

ANGOLA UNRAVELS

The Rise and Fall of the Lusaka Peace Process

Human Rights Watch

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ABBREVIATIONS

ANGOP	Angolan news agency
ANP	Angolan National Police
EO	Executive Outcomes—a South African security firm, accused by UNITA, of providing mercenary support to the Angolan government.
FAA	Forças Armadas Angolanas (Angolan Armed Forces)—the formal name of the Angolan government's military force since the 1992 elections.
FLEC	Frente de Libertação do Enclave de Cabinda (Front for the Liberation of the Cabindan Enclave)
FNLA	Frente Nacional de Libertação de Angola (National Front for the Liberation of Angola)—one of the three nationalist groups that fought for independence. Now a legal opposition party.
FONGA	Forum of Angolan NGOs
GURN	Government of National Unity and National Reconciliation
ICRC	International Committee of Red Cross
IMF	International Monetary Fund
IOM	International Organization of Migration
LAC	Luanda Antenna Commercial
MONUA	U.N. Observer Mission in Angola

MPLA	Movimento Popular de Libertação de Angola (Popular Movement for the Liberation of Angola)—the MPLA is now the majority governing party of the government of Angola; it was one of the three nationalist groups that fought for independence and then militarily defeated the other two groups.
NGO	Nongovernmental organization
OAU	Organization of African Unity
SINFO	State Information Service
TPA	Televisão Popular de Angola (the state television corporation)
UNAVEM	United Nations Angola Verification Mission
UNITA	União Nacional para a Independência Total de Angola (National Union for the Total Independence of Angola)—the armed force fighting the government in Angola.
USAID	U.S. Agency for international Development
VORGAN	Voice of the Resistance of the Black Cockerel (UNITA radio station)
WFP	U.N. World Food Program

I. SUMMARY

Angola returned to all-out war in December 1998, the fourth period of open warfare in living memory. The human cost since fighting resumed is impossible to determine with precision, but the United Nations estimates that nearly one million people have become internally displaced persons because of the renewed conflict, 10 percent of Angola's population. This return to war also represented the end of the uneasy peace process that began with the Lusaka Protocol in Zambia in November 1994. It was a peace process overseen by two U.N. peacekeeping missions, UNAVEM III, and its successor, MONUA, at a total cost to the international community of U.S.\$ 1.5 billion.

The Lusaka Protocol was signed at a moment when the National Union for the Total Independence of Angola (UNITA) rebels were in a weakened position and wanted to stop its territorial losses to the government. The Lusaka Protocol provided for a cease-fire, the integration of UNITA generals into the government's armed forces (which were to become nonpartisan and civilian controlled), demobilization (later amended to demilitarization) under U.N. supervision, the repatriation of mercenaries, the incorporation of UNITA troops into the Angolan National Police under the Interior Ministry, and the prohibition of any other police or surveillance organization. As a backdrop to the protocol, a Security Council embargo on arms and oil transfers to UNITA had been in place since 1993, while both the government and UNITA had agreed to halt new arms acquisitions as part of the accords. But the embargo on UNITA was not enforced, and both sides openly continued major arms purchases throughout the process.

The major political issues covered in the Lusaka Protocol were the U.N.'s mandate (verification and monitoring of the Lusaka Protocol), the role of peacekeepers (supervision), the completion of the electoral process, and national reconciliation. Under the provisions for reconciliation between the parties, UNITA's leadership would receive private residences, political offices in each province and one central headquarters. UNITA would also hold a series of posts as ministers, deputy ministers, ambassadors, provincial governors and deputy governors, municipal administrators and deputy administrators, and commune administrators. The government would retain all other positions of patronage.

Human rights issues were kept as a subtext in the Lusaka Protocol, mentioned only as a commitment to general principles of human rights in the protocol's annexes on national reconciliation and on the U.N.'s mandate. On amnesty both the Angolan government and UNITA's position was crystal clear: the Lusaka Protocol would provide that "the competent institutions shall grant an amnesty...for the illegal acts committed by anyone in the context of the current conflict."

A joint commission, comprised of the U.N., government and UNITA representatives, with the U.S., Portugal and Russia as observers (known as the Troika), oversaw the implementation of the Lusaka Protocol. Any accord violation verified by the U.N. or reported by one of the parties would be discussed in the Joint Commission. In practice the commission became a depository for human rights and military violation reports but there was little inclination by the U.N. to investigate or publicize these incidents.

Although the U.N. was the largest peacekeeping operation in the world at its peak, only in 1995 was a significant U.N. peacekeeping operation approved by the Security Council, and the delays in deployment resulted in its reaching full strength only in late 1996. The delay in the U.N. peacekeeping deployment facilitated abuse of the accords by UNITA and the government, but the fundamental mistake was a policy of turning a blind eye and impunity toward breaches of the accords, as advocated by the U.N. Special Representative Blondin Beye. A U.N. official told Human Rights Watch in 1995 that “the situation is too sensitive for serious human rights monitoring. Making public what we know could undermine the peace process and put us back to war.”

Human rights violations were a key factor in undermining the Lusaka peace accords. With better human rights monitoring—and reporting—of rights abuses the ease with which both UNITA and the government could abuse Angolan’s rights could have been reduced and attempts made to make those responsible accountable. The impunity with which rights were abused eroded confidence in the peace process and created a vicious cycle of rights abuse that steadily worsened. With the peace process disintegrating Beye ordered a change of strategy shortly before his death in May 1998 and his depleted U.N. mission became for the first time more robust at investigating human rights violations. This was too late to save the peace. The U.N.’s practice of ignoring the two parties’ deceptions and depredations and its own lack of transparency had encouraged both parties to regard the peace process with contempt, and both the Angolan government and UNITA had determined that war was their preferred option.

The U.N.’s human rights division which had done little during much of the Lusaka peace process improved in 1998, helped by the hiring of a human rights professional to head it. However, the return to war in December curtailed its activities dramatically and for the first seven months of 1999 the Human Rights Division was unable to play the role it envisaged, spending much of its energy on trying to carve out a future and could perform little serious investigative work on rights abuses; it produced no publication. The division had also discouraged journalists from talking to it. It remains questionable what can be achieved unless

the Human Rights Division can obtain a clear-cut mandate which includes investigative work and the dissemination of its findings.

The Angolan government has been responsible for widespread human rights violations during the Lusaka peace process, especially in 1998. These abuses undermined UNITA's confidence in the Lusaka peace process and included:

- torture, "disappearance," and summary execution, particularly of UNITA supporters in areas where government control was newly established in 1998;
- the indiscriminate killing of civilians and pillaging during military operations;
- arbitrary recruitment into the military;
- forced displacement of the civilian population;
- use of indiscriminate weapons, such as antipersonnel landmines in 1998 and 1999;
- harassment and censorship of the media;
- harassment of the loyal political opposition.

UNITA has also committed systematic and horrendous human rights abuses during the Lusaka peace process and in the new war, including:

- indiscriminate shelling of besieged cities;
- summary execution;
- torture;
- mutilation of the dead and living;
- abduction of civilians, including women and children, and sometimes treating them like slaves;
- recruitment of child soldiers and other arbitrary recruitment, and denying unaccompanied minors the opportunity to be voluntarily reunited with their families;
- taking foreign nationals hostage;
- restriction of the movements of civilians in areas it occupies, confiscating food from them, and forcing them to do unpaid labor;
- cruel and inhuman prison conditions.

UNITA has since December 1998 laid siege to a number of cities and towns, most notably Malanje and Kuito. UNITA rained many shells per day on Kuito in late December 1998 resulting in over 150 civilian casualties. Shelling of Malanje started in January 1999 and has continued ever since, resulting in at least 600 civilians killed. UNITA's siege of Malanje is causing increasing starvation among

the civilian population and humanitarian relief flights to the city have had to be suspended from time to time.

Mine warfare has intensified since hostilities resumed, with the fresh laying of antipersonnel landmines by the government around besieged cities in mine belts and along roads to obstruct UNITA access. This is doubly deplorable because the Angolan government signed the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Treaty) in Canada in December 1997. UNITA has also been laying new mines, on roads, in fields, and as minefields to slow down the government's military offensives. The mines laid by both the government and UNITA have resulted in civilian victims.

UNITA used the Lusaka peace to shield itself from further territorial losses and rebuild its military. In 1996 and 1997 UNITA procured large amounts of weapons and fuel, while at the same time slowly fulfilling a number of its Lusaka Protocol obligations. For the second time in the decade UNITA failed to fulfill its pledge to demobilize, handing over a fraction of its weapons to the U.N. and failing to quarter many of its elite troops. UNITA also failed to transfer to government control all the territory it was meant to under the provisions of the Lusaka Protocol. In reality UNITA fulfilled only the obligations that it felt were not strategically essential to its security, and which would not preclude a return to war. It dragged out even its minimal concessions to buy time. By mid-1998 the government had lost its patience with UNITA and serious preparations were underway to return to war.

The renewed conflict, and accompanying human rights abuses and violations of laws of war, were fueled by new flows of arms into the country, despite the U.N. arms embargo on UNITA in place since 1993. UNITA purchased large amounts of weaponry from foreign sources. Human Rights Watch believes that some of these weapons originated from private sources in Albania and Bulgaria. UNITA was effective in "sanctions-busting" through neighboring countries, especially South Africa, Congo, Zambia, Zaire (now the Democratic Republic of Congo), and also Togo and Burkina Faso. Zaire was the most important sanctions-busting gateway into Angola until the overthrow of President Mobutu in mid-1997, the locus then shifting to Congo-Brazzaville until late 1997, when the Angolan government assisted in the overthrow of the democratically elected government of Pascal Lissouba. By 1998 the frequency of sanctions-busting flights to UNITA declined, partly due to tighter restrictions regionally, but also due to UNITA's return of the diamond-rich Cuango valley to government control. Much of UNITA's sanctions-busting in 1998 was for logistical supplies, mining equipment, and the fuel which is

essential for UNITA's war effort. UNITA's siege of the city of Kuito ended in January 1999 because its forces ran out of fuel and had to withdraw.

The U.N. was ineffective in dealing with UNITA's sanctions-busting efforts in 1995 and 1996, and largely turned a blind eye to their violation of a 1993 U.N. oil and weapons embargo. Its bona fide interdiction efforts were made more difficult by the slow deployment of the peacekeepers pledged as part of the Lusaka Accord. In October 1997 the U.N. imposed an additional package of restrictions on UNITA, blocking foreign travel by their officials and closing their offices abroad. Surprisingly, only in June 1998 did the U.N. target the direct and indirect export of diamonds from UNITA areas and freeze UNITA bank accounts, despite these being the prime source of revenue for UNITA's purchases of fuel and weapons.

UNITA financed the rebuilding of its military through its control of Angola's diamond wealth. Most of the diamonds were smuggled to Europe via Zaire (DRC) and Congo Brazzaville, although South Africa, Namibia, Rwanda, and Zambia have also been conduits. UNITA's export of diamonds during the Lusaka process netted the rebels some U.S.\$1.72 billion. Money from the diamond trade had by 1993 replaced the assistance UNITA previously received from the United States and South Africa. U.S. covert aid to UNITA reportedly totaled about U.S.\$250 million between 1986 and 1991.

There were also arms shipments to the government throughout the Lusaka process. This was not illegal, but undermined the spirit of the Lusaka Protocol and contributed in undermining confidence in the peace process. The weapons were purchased from a range of countries including, Belarus, Brazil, Bulgaria, China, and South Africa. Russia, a Troika member (one of the three governments serving as an official observer/mediator in the peace process) undermined its official position by selling large amounts of weapons to the government, resulting in a number of shipments to Angola. Portugal, also a Troika member, entered into military agreements during the peace process. The government's procurement of weapons reached record levels again in 1999, matching the high levels of purchasing in 1994; Russia again features as the prime source of arms to Angola. During the Lusaka peace process no country submitted details of their weapons transfers to Angola to the U.N. Register on Conventional Weapons.

The government has paid for its arms purchases through bank loans, oil profit remittances, and mining and other concessions. With the decline of international oil prices, the government is short of cash and has used some U.S.\$870 million of funds generated from signature bonus payments on oil exploration and concession blocks thirty-one, thirty-two, and thirty-three to pay for its weapons purchases. The

multinational oil companies BP-Amoco, Exxon, and Elf play a dominant role in these blocks.

The failure of the Lusaka Peace Process was not only due to the bad faith of UNITA. The U.N.'s strategy of refraining from disclosure of public action against violations of the accords, its lack of transparency, and its failure to implement U.N. embargos undermined any respect that UNITA or the government had to observe the Lusaka Protocol. With the collapse of the Lusaka peace process this strategy of see no evil, speak no evil appears to have backfired badly. Twice this strategy has been used and twice the peace accords have collapsed and the country has returned to war. This could have been avoided if the U.N. had deployed its peacekeepers promptly and empowered them to undertake "sensitive" monitoring and reporting of cease-fire and embargo violations and gross human rights violations. There also needed to have been an initial arms embargo placed on both sides and an embargo placed on UNITA's use of diamonds once it became evident that the rebels were using this resource to rearm. There is also an urgent need for a clean break with the past, by making Angola's leaders accountable for their actions and cognizant of the potential penalties they face if they knowingly endorse abuses of human rights.

The United States supported a number of human rights initiatives during the Lusaka peace process, although by 1998 it had increasingly lost any political influence it had over the Angolan government because it was blamed for having been one of the primary architects of the peace process. Sweden played an especially important part in supporting a number of human rights programs and played a leadership role in raising them at the U.N. during its tenure on the Security Council (1997-1998). Other European Union countries were surprisingly quiet on rights issues, limiting the bulk of their efforts to drafting strong words for presidential statements.

II. RECOMMENDATIONS

To the Angolan Government

- Respect international humanitarian and human rights law, particularly the prohibitions on targeting civilians, indiscriminate bombardment, and destruction and looting of civilian property.
- Permit the creation of humanitarian aid corridors as a matter of urgency.
- Cease the aerial bombardment of urban areas and other zones where bombs cannot reasonably be directed solely at military objectives.
- Stop using weapons that are indiscriminate by nature and particularly harmful to the civilian population, such as antipersonnel landmines.
- Prohibit summary executions and torture, and punish those responsible for such acts.
- Halt the seizure by troops and officials of food and non-food items from the civilian population that subject civilians to the threat of death through starvation, disease, or exposure.
- Permit the International Committee of the Red Cross to visit persons detained in connection with the conflict, according to its specific criteria.
- Provide the U.N.'s Sanctions Committee with a list of registered aircraft in Angola.
- Provide the U.N.'s Sanctions Committee with a list of authorized signatures and stamps for Certificates of Origin for diamonds legally exported from Angola.
- Assist the U.N.'s Sanctions Committee's investigative panels with information, including what it knows about sanctions-busting by individuals and government employees in Angola.

- Permit the U.N. to maintain its Human Rights Division in Angola and allow this division to carry out investigations throughout the country and to publish reports.

To UNITA

- Respect international humanitarian law, particularly the prohibitions on targeting civilians, indiscriminate bombardment, and destruction or looting of civilian property.
- Permit humanitarian aid corridors as a matter of urgency.
- Stop indiscriminate shelling of besieged cities.
- Stop using weapons that are indiscriminate by nature and particularly harmful to the civilian population, particularly antipersonnel landmines.
- Prohibit summary executions and torture, and punish those responsible for such acts.
- Refrain from forcible conscription into UNITA's forces.
- Stop the recruitment of minors for military service and the use of child soldiers; no one under the age of eighteen should be inducted into the military or permitted to participate in hostilities.
- Stop forced portering.
- Permit freedom of movement.
- Halt the seizure by soldiers and officials of food and non-food items from the civilian population that expose civilians to the threat of death through starvation, disease, or exposure.
- Guarantee freedom of expression and freedom of association in territory under UNITA control.

- Allow access and the neutral provision of humanitarian assistance to all populations in need in territory under UNITA control. Protect humanitarian assistance from looting or being diverted for military use.
- Permit the International Committee of the Red Cross to visit persons detained in connection with the conflict, according to its specific criteria.
- Permit free access by the U.N.'s Human Rights Division to areas under which UNITA operate.

To the Observing Troika (Portugal, Russia, and the United States) and the U.N.'s Committee of Friends for Angola (China, Côte D'Ivoire, France, Gabon, Russia, Morocco, Namibia, Nigeria, United Kingdom, United States, and Zimbabwe)

Human Rights Watch recommends that these countries, as the official mediators in past and future peace processes, should:

- Impose immediate national arms embargoes and make public details on any weapons sales or other military assistance to Angola since the Lusaka Protocol.
- Maintain pressure on the Angolan government and UNITA to respect human rights and humanitarian law and permit access to relief operations.

To the United Nations

- The Security Council should institute an arms embargo on Angola, applicable to both the government and UNITA.
- Demand that member states submit all information on past weapons exports to Angola to the U.N. Register on Conventional Weapons.
- The U.N. Sanctions Committee should commission an independent report, to be made public, on the means by which the origins of Angolan rough diamonds can be identified.

- Support the work of the expert investigative panels of the Angola Sanctions Committee and publish the findings on sanctions-busting, especially the company names and registration numbers of known transshipment aircraft; companies involved in sanctions-busting; as well as the individuals and states involved.
- Publish the names of states, commercial companies, and individuals who consistently obstruct or refuse to assist the work of the Sanctions Committee's expert investigative panels.
- Ensure that in any future U.N. mission to Angola that impunity for human rights abuses is not an integral part of the operational mandate.
- Support the work of the Human Rights Division, mandate it to conduct investigative work on abuses, and ensure that its findings are published.

To the Organization of African Unity (OAU)

- Assist the U.N. in its attempts to monitor and prevent UNITA sanctions-busting.
- Enact legislation or regulations making it a criminal offence, punishable under domestic law, for their citizens or other individuals operating on their territory to violate Security Council-imposed sanctions against UNITA. Identify specific legal penalties, such as heavy fines or imprisonment.

To the Southern Africa Development Community (SADC)

- Assist the U.N. in its attempts to monitor and prevent UNITA sanctions-busting.
- Enact legislation or regulations making it a criminal offence, punishable under domestic law, for their citizens or other individuals operating on their territory to violate Security Council-imposed sanctions against UNITA.
- Take steps to regulate all shipments of fuel across national frontiers in order to block fuel shipments to UNITA.

To the European Union and Other Members of the International Community

- In order to end cycles of violence in Angola, the international community should maintain a strong focus on Angola and assure that respect for human rights and the rule of law are foundations of the government.
- Assist the U.N. in its attempts to monitor and prevent UNITA sanctions-busting.
- Enact legislation making it a criminal offence, punishable under domestic law, for their citizens or other individuals operating on their territory to violate Security Council-imposed sanctions against UNITA.
- Support the imposition of an arms embargo on Angola, applicable to both the government and UNITA.

To the International Diamond Companies and Dealers

- Refuse to purchase or distribute any diamonds suspected of having been acquired in violation of the U.N. embargo and inform the police and U.N. of the source of such diamonds.
- Assist in the implementation of a global monitoring and certification scheme to ensure compliance with the U.N. embargo.
- Publish information on buying offices' practices with regard to the embargo and allow the U.N. access to all records of diamond purchases.
- Assist the U.N. in developing criteria and means to establish the origin of Angolan rough diamonds consistently.

To the International Oil Companies

- Encourage the government to reach a “shadow agreement”—an audit that ensures that all future oil profit remittances are spent in a transparent manner and not for covert arms purchases or loan repayments—with the International Monetary Fund. In particular, the shadow agreement audit should ensure that

oil remittances are not used to purchase indiscriminate weapons, such as antipersonnel landmines.

- Ensure that all their down-stream franchises in Angola's neighboring states are informed of the oil and petroleum embargo on UNITA and are required to inform the national police and the U.N. of any suspicious bulk purchasing of fuel, so that fuel does not reach UNITA.
- Assist the U.N. Sanctions Committee in trying to locate the source of UNITA fuel.

III. BACKGROUND

Angola has known little peace since its independence from Portugal in 1975. Internal conflict flared when the three nationalist groups that had been fighting colonial rule - the Movement for the Popular Liberation of Angola (MPLA), the National Union for the Total Independence of Angola (UNITA), the National Front for the Liberation of Angola (FNLA) - fought each other for control of the capital, Luanda, before Portugal's official departure on November 11, 1975.

The Soviet Union and Cuba supported the MPLA, which controlled the city of Luanda but little else. South Africa invaded Angola in support of UNITA. Zaire invaded in support of the FNLA. The U.S. provided extensive assistance to both UNITA and the FNLA. In October 1975, a massive Soviet airlift of arms and Cuban troops turned the tide in favor of the MPLA. South African and Zairean troops withdrew, and the MPLA was able to form a single-party socialist government, which gained widespread diplomatic recognition, although not from the U.S. or South Africa.

UNITA and the FNLA then joined forces against the MPLA. UNITA was initially driven out of its headquarters in Huambo and its forces scattered and driven into the bush. But it subsequently regrouped and waged a devastating, long-running war against the MPLA government, which it saw as *asimilado* (urban, educated, and Portuguese-oriented), *mestizo* (mixed race), and northern dominated. UNITA portrayed itself as anti-Marxist and pro-Western, but it had its own regional roots, primarily among the Ovimbundu people of southern and central Angola.

The war spread, with UNITA making steady gains and South African forces operating sporadically in Angola in support of UNITA. The largest South African incursions occurred between 1981 and 1993, partly in retaliation for MPLA support for the South West African People's Organization's (SWAPO's) guerrilla war against South Africa's occupation of Namibia. During this period, South African forces occupied parts of the extreme south of Angola.

In late 1983, the U.N. Security Council demanded South Africa's withdrawal from Angola. Shortly afterwards, the two countries signed the Lusaka Accord, under which South Africa agreed to withdraw if Angola ceased its support of SWAPO. However, in 1985 South Africa launched another invasion to counter a major MPLA government offensive against UNITA, carried out with the assistance of some 50,000 Cuban troops.

U.S. covert assistance to UNITA had been prohibited by the U.S. Congress through the Clark Amendment in 1976, but was resumed after a repeal of the amendment in 1985. U.S. covert aid totaled about U.S.\$250 million between 1986

and 1991, making it the second largest U.S. covert program, exceeded only by aid to the Afghan *mujahedeen*.

In 1987, a series of major battles in the south of Angola culminated in the siege of Cuito Cuanavale by South African and UNITA forces. Although this resulted in a military stalemate, the outcome was a psychological defeat for the South African Defence Forces (SADF), which came to believe they could not win militarily in Angola. This prompted a rethinking of South African military strategy.

Cuito Cuanavale also marked the beginning of new diplomatic efforts to end the conflict. In 1988, the Soviet Union signaled that it was no longer prepared to arm the MPLA indefinitely. In January 1989, President Dos Santos made an offer to UNITA leader Jonas Savimbi that led to a peace process brokered by eighteen African nations. At a meeting in Gbadolite, Zaire, in June 1989, Dos Santos and Savimbi shook hands and agreed on an immediate cease-fire. But it quickly collapsed, as a dispute developed over what their oral agreements had been, and especially over what Savimbi's future role would be.¹

The following eighteen months saw the most sustained efforts to achieve a peaceful settlement, as well as some of the fiercest fighting of the entire war. Between April 1990 and May 1991 six rounds of peace talks took place between UNITA and the government. The negotiations were hosted by Portugal, with observers from the United States and the Soviet Union. These nations were subsequently called the observing Troika. In May 1991 the talks resulted in an agreement, known as the Bicesse Accords, which temporarily ended a conflict that

¹Abiodun Williams, "Negotiations and the End of the Angolan Civil War," in David Smock (ed.), *Making War and Waging Peace: Foreign Intervention in Africa* (Washington D.C: U.S. Institute of Peace Press, 1993).

had already killed between 100,000 and 350,000.² The agreement was made possible partly by the ending of the Cold War, which facilitated U.S.-Soviet cooperation, and partly by the desire of the Soviet Union and Cuba to reduce their financial commitment to Angola.

The accords ratified a cease-fire and called for government and UNITA forces to be integrated into the Angolan Armed Forces (FAA), a 50,000-strong military force. The accords contained a so-called "Triple Zero" clause, which prohibited either side from purchasing new supplies of weaponry. Under the accords, the MPLA remained the legitimate and internationally-recognized government, retaining responsibility for running the state during the interim period and for setting the date for elections. A U.N. Angola Verification Mission (UNAVEM) team of 576 people was responsible for monitoring during this interim period.

²Reports by Human Rights Watch on this conflict are: Africa Watch, *Landmines in Angola* (New York: Human Rights Watch, 1993); Africa Watch, "Angola: Civilians Devastated by 15-Year War," February 1991; and, Africa Watch, *Angola: Violations of the Laws of War by Both Sides* (New York: Human Rights Watch, 1989).

Angola's first nationwide elections were held on the last two days of September 1992. They provided the first opportunity for Angolans to express their will in what the U.N. and other foreign observers concluded was a "generally free and fair" process.³ With a turnout of more than 91 per cent (4.4 million) of registered voters, President dos Santos, the MPLA's candidate, received 49.6 per cent of the vote against 40.7 per cent for Savimbi. In the election for the legislature, the MPLA won 54 per cent of the vote, against UNITA's 34 per cent. Under Angolan law, failure of the winner in the presidential election to receive more than 50 per cent of the votes cast required an election runoff. However, a runoff was not held. Instead UNITA rejected the results and returned the country to civil war by remobilising its forces across the country. Less than a month after the elections, the "Third War" had started. It was to last until November 1994.⁴

This extremely destructive conflict was notable for systematic violations of the laws of war by both the government and the UNITA rebels. Indiscriminate shelling of starving, besieged cities by UNITA resulted in massive destruction, and the loss of untold numbers of civilian lives. Indiscriminate bombing by the government also took a high civilian toll, as did landmines, starvation and disease. It is estimated that 300,000 Angolans - 3 per cent of the population - died as a result of fighting

³Article II (7) of the Bicesse accords cited in Ministério Da Justiça, *Angola: Livro Branco Sobre O Processo de Paz,; Volume 1, 31 de Maio de 1991 - 31 de Maio 1993* (Luanda: Ministério Da Justiça, 1995), p.51.

⁴Alex Vines, *One Hand Tied: Angola and the U.N.* (London: Catholic Institute of International Relations, 1993).

between October 1992 and late 1994; probably more than in the preceding sixteen years of war. The U.N. reported that between May and October 1993 as many as 1,000 people were dying every day in Angola - more than in any other conflict in the world at the time.⁵

⁵Human Rights Watch Arms Project and Human Rights Watch/Africa, *Angola: Arms Trade and Violations of the Laws of War Since the 1992 Elections*, (New York: Human Rights Watch, 1994).

By late 1993, UNITA controlled more than 70 per cent of Angolan territory. However, throughout 1994, military gains by the government forced UNITA to make ever greater concessions in the Lusaka peace talks, and to accept proposals for national reconciliation. As its territorial losses quickened, UNITA promised to sign the protocol in an effort to persuade the government to stop its military advances. Both sides initialed the Lusaka Protocol on October 31 1994, with President dos Santos promising the U.S. and the U.N. that government forces would not capture the UNITA headquarters at Huambo. Yet government forces continued to push forward. Because UNITA had pulled out, the government captured the city quickly. By November 1994, government offensives had reduced UNITA's territorial control to 40 per cent of the country.⁶

⁶Alex Vines, "La troisieme guerre angolaise," *L'Angola dans la guerre, Politique Africaine*, no.57, March 1995, pp.27-40.

IV. THE LUSAKA PEACE PROCESS

UNITA had lost ground quickly in late 1994 and was keen to sign a cease-fire accord. In contrast the government was on the ascendency on the battlefield and only due to immense diplomatic pressure signed the Lusaka Protocol. Indeed fighting continued although both sides finally signed the cease-fire protocol on November 20, 1994 in Lusaka. Significantly, UNITA leader Jonas Savimbi refused to sign the agreement in person, ensuring that President dos Santos could not either, leaving it to subordinates to endorse the accord, a sign of continued lack of confidence in the peace process.

Many Angolan government officials had their doubts over the wisdom of a cease-fire. They feared that UNITA remained too strong to guarantee lasting peace. Chief of Staff General João de Matos admitted in February 1995 that "only the total defeat of Savimbi can ensure peace...strictly from the military point of view it [the Lusaka Protocol] was a mistake."⁷

Jonas Savimbi also believed that the Lusaka Protocol was a mistake according to UNITA's former secretary general Eugenio Manuvakola, the man who signed the protocol for UNITA. According to Manuvakola, Savimbi said in mid-1994 that he did not want responsibility for the peace process and that somebody else would have to do so. Therefore the negotiators were Manuvakola, Isaias Samakuva, and Jorge Valentim. "I remember wondering with my friends who the guinea pig would be. I did not know it would be me," stated Manuvakola after he had fled to Luanda with his family in August 1997. He also revealed that he had been detained by UNITA on February 14, 1995 and had since been under tight UNITA security. Jonas Savimbi had threatened him with death if he tried to escape.⁸ He had been clearly made the scapegoat for being the signatory of the Lusaka Protocol.

⁷*Le Monde*, (Paris), February 16, 1995.

⁸"Press Conference by Eugenio Manuvakola, Former UNITA Secretary General Regarding his Escape from UNITA," transcript published in, *Jornal de Angola*, (Luanda), August 28, 1997.

The Lusaka Protocol

The protocol technically marked the end of Angola's brutal and costly "Third War." The Lusaka Protocol provided for a cease-fire, the integration of UNITA generals into the government's armed forces (which were to become nonpartisan and civilian controlled), demobilization (later amended to demilitarization) under U.N. supervision, the repatriation of mercenaries, the incorporation of UNITA troops into the Angolan National Police under the Interior Ministry, and the prohibition of any other police or surveillance organization.

The major political issues covered in the Lusaka Protocol were the U.N.'s mandate (verification and monitoring of the Lusaka Protocol), the role of peacekeepers (supervision), the completion of the electoral process, and national reconciliation. Under the provisions for reconciliation between the parties, UNITA's leadership would receive private residences, political offices in each province and one central headquarters. UNITA would also hold a series of posts as ministers, deputy ministers, ambassadors, provincial governors and deputy governors, municipal administrators and deputy administrators, and commune administrators. The MPLA would retain all other positions of patronage.⁹ As a backdrop to the protocol, a Security Council embargo on arms and oil transfers to UNITA had been in place since 1993, while both the government and UNITA had agreed to halt new arms acquisitions as part of the accords. But the embargo on UNITA was not enforced, and both sides openly continued major arms purchases throughout the process.

Human rights issues remained a subtext to the agreement, mentioned only indirectly as general human rights principles in the protocol's annexes on national reconciliation and on the U.N.'s mandate. On amnesty both the Angolan government and UNITA's position was crystal clear: the Lusaka Protocol would provide that "all Angolans must forgive and forget the offences resulting from the Angolan conflict and face the future with tolerance and confidence. Furthermore, the competent institutions shall grant an amnestyfor the illegal acts committed by anyone in the context of the current conflict."¹⁰

⁹*Protocolo de Lusaka* (Amsterdam: AWEPA/ African-European Institute, 1996).

¹⁰*Protocolo de Lusaka*, Anexo 6, Ponto II.4 Da Agenda de Trabalhos A Reconciliação

A joint commission, comprised of U.N. as the chair, government, and UNITA representatives, with the U.S., Portugal and Russia as observers (the Troika), oversaw the implementation of the Lusaka Protocol. Any accord violation verified by the U.N. or reported by one of the parties would be discussed in the Joint Commission. In practice the commission became a depository for human rights and military violation reports but there was little inclination by the U.N. to publicize or denounce these incidents. Even when Isaias Samakuva, head of UNITA's delegation to the Joint Commission, was assaulted by UNITA cadres in May 1997 while on an official duties, the U.N. turned a blind eye to this abuse and made no effort to bring the assailants to book: it underscored that the U.N. was prepared to turn a blind eye to human rights abuses, even attacks on senior officials captured on camera.

Violations of the Lusaka Protocol in 1995 and 1996¹¹

Many violations of the Lusaka Protocol occurred in 1995 and 1996, with a great deal of localized fighting in which even U.N. personnel and agencies were not spared. In March 1995 UNITA combatants shot down a UNAVEM III helicopter in Quibaxe. A meeting of military leaders on January 10, 1995 failed to bring the fighting to an end. A second meeting in Waku Kungo in February made more progress towards consolidating the cease-fire.

President dos Santos and UNITA leader Jonas Savimbi met for the first time since 1992 in Lusaka on May 6, 1995, in what then appeared to be a symbolic step forward in the peace process. Dos Santos had been pressured by hardliners in the military not to attend, but immense counterpressure from the U.N. and U.S. convinced dos Santos to go ahead. In June, building on the momentum of the May summit between the two leaders, the government offered Savimbi the position of joint vice-president of the Angolan Republic. Later that month UNITA sent its first high level delegation to Luanda since 1992. In August, following a second summit in Gabon, Savimbi noted the offer on behalf of UNITA, but refused to say whether he would accept it. A third meeting between the leaders occurred in Brussels in September 1995 at a UNDP-sponsored Round Table donors conference in which both leaders once again pledged their commitment to peace and reconstruction. A fourth meeting between the leaders occurred in March 1996 in Libreville, Gabon at which a revised peace process time-table was agreed. At this meeting one of the two vice-presidencies was formally offered again to UNITA, an offer to which UNITA leader Savimbi promised to reply in writing. In August 1996 Savimbi formally

¹¹Human Rights Watch Arms Project and Human Rights Watch/Africa, "Angola: Between War and Peace; Arms Trade and Human Rights Abuses since the Lusaka Protocol," *A Human Rights Watch Report*, February 1996, vol.8, no.1 (A).

rejected the offer during UNITA's Third Congress, claiming it was his party that did not want him to take up the post.

Full-scale war nearly erupted in Lunda Norte and Lunda Sul in September 1995 following a three-month build-up of troops and war material by the Angolan Armed Forces (FAA). Diplomatic pressure on President dos Santos from the U.N. and the U.S. once again was successful and led to the suspension of the operation.

Although the Lusaka Protocol demanded the "repatriation of all mercenaries," the South African firm Executive Outcomes (EO) maintained some 400-500 men in Angola, mostly under contract to the Angolan Armed Forces. This became a contentious issue, and under pressure from the U.S. and others, the Angolan government finally told EO to withdraw in January 1996. A number of these personnel have been redeployed into companies linked to EO, such as Branch Mining, Shibata Security, and Stuart Mills Associates and other private security firms such as Alpha 8 in the diamond areas.¹²

Most of the incidents in 1996 consisted of small-scale attacks, ambushes, and looting. In many areas, government and UNITA troops were still in close proximity and their aggressive patrolling undermined attempts to increase confidence between them. In December 1996 the government also captured a string of UNITA-held hamlets in the northwest. But there were hopes that as confidence grew on the ground the number of cease-fire violations would decline.

Increasing Number of Violations in 1997¹³

The number of serious violations of the cease-fire increased in 1997. In the early part of the year the majority of reported cease-fire violations were attacks on civilians designed either to control the movement of food aid in contested areas or to stop people from moving into areas controlled by the other side. There were also some violations of the Lusaka cease-fire as the government's military took up forward positions.¹⁴

Between June and September 1997 there were many new reports of the mobilization of troops, movement of military equipment, and forced conscription. The U.N. verified several attacks by UNITA on government positions, including in Lunda Norte province, as well as attacks by government forces on villages in Huila province. The most serious attacks were by UNITA in Lunda Norte at Posto de

¹²Alex Vines, "Mercenaries and the Privatisation of Security in Africa," in Greg Mills and John Stremmler (eds.), *The Privatisation of Security in Africa* (Johannesburg: South African Institute of International Affairs, 1999) pp.47-80.

¹³**Human Rights Watch, *Human Rights Watch World Report 1998* (New York: Human Rights Watch, 1997).**

¹⁴*Ibid.*

Fronteira Nordeste, on July 2, where UNITA forces razed to the ground a village of approximately 150 inhabitants. At Posto Fronteira Muaquesse on July 24, UNITA forces attacking a village burned houses and killed several civilians. UNITA also conducted last-minute changes in the scheduled demobilization of UNITA troops — reactivating and deploying them to strategic locations controlled by UNITA, such as Dambi near Uige and Vinte Cinco near Huambo.

In March 1997 violation flash points were the northern provinces of Lunda Norte, Lunda Sul, Uige, and Zaire provinces. There were also some serious problems in Huila and Benguela provinces. The government's FAA had been increasing troop concentrations on the periphery of the UNITA heartland since February and in May increased incursions into territory disputed with UNITA in Huila and in the Lunda provinces. By September the military situation was characterized by persistent tensions affecting almost the entire country, but particularly the provinces of Lunda Norte, Lunda Sul, and Malanje. The fiercest fighting was in June when in a fortnight, the FAA captured an estimated 10 to 15 percent of the diamond producing areas controlled by UNITA in an operation that expanded government control over a corridor from Dundo to Luena. Most of the fighting was confined to the Lunda provinces but attacks were also made on UNITA positions in Bie, and later in Soyo (Zaire province) and Huila.

From July 1997 the Angolan presidency called for a military standoff, meanwhile lobbying hard at the international level for U.N. sanctions against UNITA.¹⁵ In August the Security Council threatened a further sanctions package against UNITA unless it fulfilled outstanding obligations under the Lusaka Protocol, such as handing over control of its territory to the government and fully demilitarizing. The additional threatened sanctions package included freezing UNITA bank accounts, blocking foreign travel by UNITA officials, and closing UNITA offices abroad.¹⁶

On September 29, the Security Council agreed unanimously to postpone for a month implementation of the sanctions, until October 30.¹⁷ Because UNITA failed to make further progress on its Lusaka Protocol obligations during October, the

¹⁵Paul Hare, *Angola's Last Best Chance for Peace: An Insider's Account of the Peace Process* (Washington DC: U.S. Institute of Peace Press, 1998).

¹⁶U.N. Security Council Resolution 1127 (1997) of August 28, 1997.

¹⁷U.N. Security Council Resolution 1130 (1997) of September 29, 1997.

Security Council adopted unanimously Resolution 1135 on October 29, which imposed a new sanctions package on the travel of UNITA officials and ordered closure of all its offices abroad from 00.01 EST on October 30.¹⁸

Three weeks after the imposition of sanctions, UNITA severed almost all contacts with the government and the U.N. During November and early December there were persistent tensions, in particular in the Cuango and Lucapa (Lunda Norte Province) as well as Kuito, Huila, and Malanje provinces, the result of banditry and illegal troop movements. The free movement of people and goods continued to be impeded by checkpoints put up by both the government and UNITA. On November 28 government troops also forcibly took control of a number of the small diamond areas held by UNITA. However, by January 1998, tensions had eased, although there were continuing frictions between local government authorities and UNITA, especially in Malanje and Uige provinces. Checkpoints, set up by both the government and UNITA, continued to impede the free movement of people and goods.

The Government of National Unity

In March 1997 U.N. Secretary-General Kofi Annan visited Angola, originally hoping to be present for the inauguration of the new government of national unity, but this was once more been delayed. In an effort to break the impasse Kofi Annan traveled to Bailundo on March 24 to meet with UNITA leader Jonas Savimbi. Kofi Annan's visit to Angola did not provide instant results but did stimulate renewed attention to a number of issues, such as the status of Jonas Savimbi, the arrival of UNITA officials in Luanda, and the inauguration of a Government of Unity and National Reconciliation (GURN).

On April 9, 1997 the Angolan National Assembly took a major step forward with the swearing in of approximately sixty-three UNITA deputies. Five UNITA deputies who had been participating in the National Assembly since 1992 had earlier been denounced by Savimbi. The National Assembly has since been the scene of some heated debate, the first time since 1992, although votes have been clearly along party lines. The new Government of National Unity (GURN) was inaugurated on April 11. The leader of UNITA, Jonas Savimbi was not present at the ceremony, signaling his ambivalence to the government, which included representatives from MPLA, UNITA, and the Democratic Party of Angola (PDA).

The original date for the formation of this government had been January 1997, but this deadline was not met because of technical failures in the negotiations.

¹⁸U.N. Security Council Resolution 1135 (1997) of October 29, 1997.

Critical issues were the quality and quantity of housing for UNITA officials and the tolerable size of their political security force. A second deadline was set for the end of February. This passed, with the status of Jonas Savimbi as the central issue — an issue that remained a key negotiating point, with UNITA looking for the post to have direct military authority. The U.N. in December 1996 sought to divorce the issue of Savimbi's status from the formation of a government of national unity.

The last deadline was in March 1997. This provided the U.N. Security Council with additional time to pressure UNITA to comply with the schedule. It was evident that the U.N. was anxious to make the national unity government effective before its own mandate expired at the end of July and the phased withdrawal of its military forces. Perhaps because of international pressure and the change of government in Zaire (now the Democratic Republic of Congo), elements of UNITA finally joined the national unity government in April. Parliamentary elections, due to be held in 1996, were postponed for between two and four years under the terms of the Lusaka Protocol, and presidential elections would not be held until the U.N. determined that appropriate conditions existed.¹⁹

State Administration

The handover of control of local municipalities to the government was also slow. It began on April 30, 1997, but in May UNITA cited “technical reasons” when challenged over the delay in the handover of fifteen municipalities in Benguela province. Following U.N. and Troika (Russia, Portugal and U.S.) pressure on UNITA, the U.N. announced that the expansion of state administration would recommence on May 26 and Vila Nova, just east of Huambo, was handed over on May 28 to a high-level delegation. A few days later in Quibala district of Cuanza Sul, UNITA supporters protesting the handing over of territory to the government managed to assault and injure Isaias Samakuva, head of the UNITA delegation to the Joint Commission and N'zau Puna, a UNITA defector who had become a vice-minister for the Interior Ministry.²⁰ For the rest of 1997 the normalization of state administration in UNITA-controlled areas proceeded at a very slow and uneven pace. The process was again suspended on November 1 but resumed on November

¹⁹Norrie MacQueen, “Peacekeeping by attrition: the United Nations in Angola,” *Journal of Modern African Studies*, vol.36, no.3, September 1998.

²⁰Samakuva was hospitalized briefly. Human Rights Watch saw a video recording of this assault. Given the tight authoritarian manner which UNITA operates, this assault is likely to have been premeditated and it was a significant error in the peace process that no effort was ever made to bring the assailants to book: it underscored that the U.N. was prepared to turn a blind eye to human rights abuses, even attacks on senior officials captured on camera.

22. By January 8, 1998, central government authority had been established in 239 out of a total of 344 localities for which this was envisaged in the peace plan. State administration had been extended to three strategic areas: Cuango, Mavinga, and Negage. By May 1 some sixty localities remained in which central authority had not been established, including the UNITA strongholds of Andulo, Bailundo, Nharea, and Mongo.

Despite repeated calls by the U.N. for control of these four strongholds to be handed over to the government, UNITA kept dragging its heels with new excuses. Finally, on July 1, the rebels came under new sanctions, freezing their foreign bank accounts, banning their diamond exports, and preventing all air and water transport into and out of UNITA-held territories. Already on June 6 Savimbi had told his supporters in Bailundo, his stronghold in the central highlands, that U.N. sanctions would be regarded as an attack on UNITA to which it "was ready to respond." According to the government, UNITA rebels had already acted, seizing fifty-five localities across the country since March.

In December 1997, Savimbi and dos Santos spoke on the telephone for the first time in many months. This was followed on January 9, 1998 by an agreement to complete implementation of the key outstanding elements of the Lusaka Protocol.²¹ This agreement was to:

- I) *To complete demobilization of UNITA's residual forces, including retirement of their generals.*
Deadline: January 28, 1998
Responsibility: UNITA/government
- ii) *To determine the number of members of the UNITA president's personal bodyguard corps.*
Deadline: January 21, 1998
Responsibility: UNITA/government
- iii) *Produce a declaration concerning the demilitarization of UNITA.*
Deadline: January 31, 1998
Responsibility: UNITA
- iv) *To complete the legalization of UNITA.*
Deadline: February 4, 1998
Responsibility: government
- v) *Promulgation of UNITA president's special status.*
Deadline: February 9, 1998

²¹Human Rights Watch, *Human Rights Watch World Report 1999* (New York: Human Rights Watch, 1998).

- Responsibility: government
- vi) *Conclusion of state administration extension.*
Deadline: January 27, 1998
Responsibility: government/UNITA/MONUA
- vii) *Appointment of the governors, vice-governors, and ambassadors indicated by UNITA.*
Deadline: February 6, 1998
Responsibility: government
- viii) *Disarming of the civilian population.*
Deadline: ongoing from February 2, 1998
Responsibility: government
- ix) *Establishment of UNITA leadership in Luanda and extension of state administration to Andulo and Bailundo.*
Deadline: February 28, 1998
Responsibility: UNITA/government/MONUA
- x) *Ending of UNITA's Vorgan radio broadcasts.*
Deadline: open
Responsibility: UNITA

As with so many events in the Angolan peace process, the agreement fell behind schedule. But by the end of January 1998 it was agreed that the force level of Savimbi's bodyguard corps would start at 400, but would be reduced gradually to 150. A scheduled summit between Savimbi and dos Santos was to be their first face-to-face meeting since 1995. It would also be Savimbi's first visit to Luanda since September 1992. However, the visit never happened and in July many senior UNITA officials left Luanda for UNITA's HQ in Bailundo, only returning in late August. The period between late 1997 and mid-1998 was also marked by Special Representative Blondin Beye's absence from the scene for most of the time for treatment of a heart condition. His absence contributed to both sides becoming more intransigent.

The broader peace process and the development of a government of national unity, the demobilization of UNITA, and the full restoration of the state's administration over Angolan territory were due to be completed on February 28, 1998. However, UNITA had still not fulfilled its obligations by this time, so a new deadline was set for March 16, to be marked by the installation of UNITA's leadership in Luanda. When UNITA declared on March 6 that it had demilitarized all its forces, the government responded by legalizing UNITA as a political party and appointing three governors and seven vice-governors nominated by UNITA. Both sides also agreed on the list of six ambassadors nominated by UNITA. On

March 31, a law granting special status to Savimbi as the leader of the largest opposition party was promulgated.

On April 1, Radio Vorgan, the UNITA radio station, ceased broadcasting. On the same day a UNITA delegation, led by Vice-President General Sebastião Dembo, arrived in Luanda to prepare for the reopening of UNITA's office on June 1. On April 8, it was agreed that the reduction of Savimbi's security detachment from 400 to 150 guards would take nine months, and that sixty-five out of 150 would be stationed in Luanda. The Angolan National Police also announced that it would form a 400-strong security detachment.

The April 1 deadline for the return of state administration was missed, with only 80 per cent of the 335 localities having been brought under government control. Eight of the twelve strategic areas set to be handed back to the government were normalized by early June. The key outstanding areas of Andulo, Bailundo, Nharea, and Mongo in the center of the country remained the focus of negotiations. In May 1998, U.N. Special Representative Blondin Beye submitted a new timetable, calling for the former rebels to hand back the areas under their control by May 31. They did not comply, and UNITA requested more time. On May 31, the U.N. announced that UNITA had proposed that it should hand over the four remaining strongholds by June 25, and that technical preparations for the handover should be completed between June 17 and 21.

The death of U.N. Special Representative Blondin Beye in an air crash in Côte d'Ivoire on June 27 undermined U.N. mediation efforts. Beye, who was replaced by Issa Diallo of Guinea, had been on a trip to the West African states Côte d'Ivoire, Togo, and Burkina Faso to ask their governments to stop supporting UNITA. Following Beye's death, insecurity increased and UNITA reasserted itself in several areas, including Luau, Lumbala Nguimbo, and Cazombo in Moxico province.

UNITA again sought a delay in the handing over of the four strategic locations, and was given an extra ten days by the U.N. However, on July 1, when UNITA again requested at least two further weeks to withdraw, the U.N. lost its patience, and imposed a new package of sanctions on UNITA to try to force compliance. These appear to have had more impact as a moral statement than in forcing any change of behavior at ground level. UNITA remained firmly entrenched in these four locations.

Tensions Rise

In anticipation of the enhanced sanctions UNITA pulled out of the U.N.-chaired Joint Commission for two months in protest; upon its return in August UNITA said it would permit the extension of state administration by October 15. The government counterproposed an August 31 deadline; on that date it suspended

UNITA from the national unity government on the grounds of noncompliance by UNITA with its commitments under the Lusaka Protocol.

In a related action, Jorge Valentim, and other UNITA members who had served in the government announced a split with Savimbi, launching a party called the Renovation Committee of UNITA. The government stated that it would only negotiate with this “new” UNITA and urged others to do the same. Although the Southern African Development Community (SADC) branded Jonas Savimbi a war criminal and threw its support behind the “new” UNITA, the group did not attract strong support inside Angola or outside SADC. Many of UNITA’s seventy members of parliament disassociated themselves from the group (another thirteen were not in Luanda and two were ill) and many other senior UNITA officials refused to support the breakaway group, despite threats and bribes by the government pressing them to do so. On September 2 police surrounded and took control of UNITA’s headquarters in Luanda, allowing only supporters of the Valentim faction to enter the building. Senior police officers publicly said that anyone not with the Valentim group was a “political criminal.”

The government also suspended the four ministers and seven vice-ministers that UNITA had designated to serve in the Government of Unity and National Reconciliation on September 1. The suspension was lifted on September 23, but the president dismissed one UNITA minister and one vice-minister the same day. On September 26, fifty-three UNITA deputies signed a declaration seeking clarification of the decision to suspend the ministers and reaffirmed that all seventy constituted the UNITA parliamentary group under the leadership of Abel Chivukuvuku. Chivukuvuku in a statement to the press declared that he had severed all contacts with Jonas Savimbi but said he did not intend to join the UNITA Renovation Committee.

In what appeared to be a premeditated attack, on October 2, Chivukuvuku’s vehicle was shot at in front of his residence in Luanda. Chivukuvuku’s wife and bodyguard were in the car but not hurt. According to the U.N., the Renovation Committee had asked the authorities to withdraw the security personnel from the residences of those UNITA deputies who did not support the Renovation Committee.²²

UNITA’s Renovation Committee held its general conference in Luanda in mid-October, at which it announced the setting up of a Provisional Political Committee to run the party. The conference also decided to retain all the UNITA deputies in the National Assembly, reversing an earlier decision to suspend fifteen of the seventy deputies.

²²U.N. Document S/1998/931, October 8, 1998.

On October 27 by a decision adopted by 115 votes in favor, none against and sixty-one abstentions the National Assembly abrogated the law granting a special status to Jonas Savimbi as the leader of the largest opposition party. The decision was attributed to Savimbi's failure to fulfill his party's obligations under the protocol. In this period the security situation was precarious, in particular in the northern and north-eastern regions where government and UNITA forces continued to conduct military operations.²³

Return to War

²³U.N. Document S/1998/1110, November 23, 1998.

The MPLA held its IV Congress in Luanda from December 5 to 10. At its opening President dos Santos stated that the only path to lasting peace was the total isolation of Jonas Savimbi and his movement. The president called for the termination of MONUA's mandate and an end to the Lusaka peace process. MONUA withdrew from all UNITA-held areas for safety on December 6.²⁴

Just prior to the opening of the congress, the government launched a military offensive in central Angola with air raids on Bailundo and Mungo, followed by attacks on Andulo. Subsequently UNITA forces launched their own attacks and inflicted heavy casualties on the government's forces and on civilians. In the Huambo and Kuito sectors the government was forced to withdraw and in Kuito only escaped further losses because UNITA's mechanized units ran out of fuel. The widening hostilities spread, with laying of new mines and the indiscriminate shelling of Malanje, Kuito, and Huambo by long-range UNITA artillery.

Two U.N. aircraft were shot down near Huambo, on December 26 and on January 2, 1999, resulting in the deaths of fifteen passengers and eight crew members respectively. Both aircraft, chartered by MONUA, went down in areas of active military operations. The two Angolan parties denied any responsibility for these incidents and initially showed no inclination to assist search and rescue operations.²⁵ U.N. investigations of the wreckage of both planes established that they had been tampered with and that there had been efforts to conceal them; the flight recorders had been removed.

On January 27, the National Assembly passed a resolution declaring Jonas Savimbi "a war criminal and international terrorist." It called for legal procedures leading to Jonas Savimbi and his direct collaborators being held accountable, in criminal and civil law, both nationally and internationally.

On January 29, President dos Santos appointed a new cabinet and temporarily assumed the functions of prime minister and commander-in-chief of the FAA. At the inauguration ceremony of the new government, the president stated that Angola had to wage war to achieve peace.²⁶

²⁴U.N. Document S/1999/49, January 17, 1999.

²⁵Human Rights Watch interview with U.N. official, January 15, 1999.

²⁶*Jornal de Angola* (Luanda), January 30, 1999.

On January 26 UNITA occupied the provincial capital of Mbanza Congo in the north, although this appears to have been retaken on February 12 by government forces. On January 30 UNITA captured the Capenda hydroelectric project, about 50 kilometers south-west of Malanje. After initial successes a second government offensive to capture Bailundo was stopped by UNITA in early March, resulting in a significant loss of equipment to the rebels and the reported loss of 1,000 men.²⁷ Fighting continues in central and northern Angola at the time of writing and the government is preparing for a third offensive, Operation Cacimbo.

In June the ICRC reported that around Huambo “violent clashes, with numerous attacks and counterattacks, have left the civilian population feeling extremely insecure and have increased the number of displaced people. Certain surrounding towns, such as Gove, Sambo and Cuima are totally deserted - a new regional phenomenon.”²⁸

The effects of the conflict have led to more human displacement. According to the U.N. the number of internally displaced persons has reached nearly one million persons, 10 per cent of the total population, with additional flows of refugees into the Democratic Republic of Congo, Namibia, and Zambia.

On July 24 the Angolan authorities issued an arrest warrant for UNITA leader Jonas Savimbi on charges that include rebellion, sabotage, murder, and torture. The warrant also accuses Savimbi of kidnapping, robbery, and the use of explosives — including planting landmines at sites used by civilians. The U.N. Secretary-General Kofi Annan criticized this warrant saying it was “wrong,” and that “you make peace with enemies, and to make peace you have to have communications, either directly or through third parties.”²⁹

Regional Adventures: Creating a Cordon-Sanitaire Around UNITA

As a corollary to the lack of confidence inside Angola, the Angolan government worked to build up a regional cordon-sanitaire to make UNITA's sanctions-busting efforts more difficult. This has resulted in Angolan military commitments in Congo-Brazzaville and the Democratic Republic of Congo and a series of threats of military action against Zambia.

During the Cold War, Zaire and its President Mobutu had been an important U.S. client and provided rear-base facilities for UNITA and the Cabindan

²⁷*Economist* (London), April 24, 1999.

²⁸Update No. 99/03 on ICRC activities in Angola, June 22, 1999.

²⁹*Público* (Lisbon), July 25, 1999; Agence France-Presse, July 28, 1999.

separatists in the late 1980s and the early 1990s. With the end of the Cold War, Zaire continued to support UNITA, making large amounts of money out of UNITA's sanctions-busting activities, which involved supply lines for weapons and equipment and a marketing route for diamonds to Antwerp and elsewhere.

The civil war that broke out in 1997 in Zaire became in part an extension of the Angolan conflict. Until March 1997, UNITA fought for pro-Mobutu government forces against two battalions of Katangese Angolans (originally from Shaba province in Zaire). These had been sent by the Angolan government to help the rebel leader Laurent Kabila. When Kinshasa fell to the rebel forces and Zaire became the Democratic Republic of Congo, UNITA lost its supply lines, and its ability to hide troops over the border became severely limited. In December 1997, Kabila's security forces arrested the leading members of all the Cabindan separatist factions who resided in Kinshasa. Although released in February 1998, they are now closely monitored.

The relationship between Laurent Kabila and Luanda remains strong, although it has been under some strain in 1998. In August 1998 Luanda reengaged in the Democratic Republic of Congo with troops, tanks, and air support in support of President Kabila in the new Congo conflict. But by late February 1999, most of these troops had been withdrawn back to Angola because of the renewed war with UNITA rebels. In the July 1999 Democratic Republic of Congo peace accord UNITA combatants are named among the groups that need to be disarmed.

With the fall of Kinshasa, the focus moved across the Congo river to Congo-Brazzaville. President Pascal Lissouba allowed UNITA to use Brazzaville and Pointe Noire for sanction busting operations. UNITA soldiers fought for Lissouba in the civil war that had broken out between him and his rival, the former military dictator Denis Sassou-Nguesso. After three months of fighting several thousand Angolan troops moved into Congo-Brazzaville from Cabinda in support of Sassou-Nguesso. By October 15, 1997 elected president Pascal Lissouba had been overthrown and military leader Denis Sassou-Nguesso was again in power. At least 10,000 people died in this conflict and the Angolan troops then acted quickly against UNITA and Cabindan separatist forces. In May 1999 several hundred Angolan troops remain in Congo-Brazzaville.

A further move by the Angolan government to isolate and encircle UNITA was the hosting of a summit on October 27 at which a regional security pact was signed by the newly self-proclaimed president of Congo-Brazzaville, Denis Sassou Nguesso, President Omar Bongo of Gabon, and Laurent-Desire Kabila of the Democratic Republic of Congo. On April 8, Angola, Namibia, Zimbabwe, and the Democratic Republic of Congo signed a general defense pact in Luanda. Following this agreement there have been press reports of Namibian and Zimbabwean troops

deployed in northern Angola but these have not been independently verified and both the Zimbabwean and Namibian governments have denied they have any forces in Angola.³⁰

Luanda's attention then moved to Zambia, where a number of senior government officials reportedly were helping UNITA break the sanctions. Bilateral relations are poor and the Lusaka government has blamed Angola for being involved in the abortive coup attempt of junior officers on 28 October, 1997. Zambian officials privately acknowledged that they feared that Luanda might intervene in Zambia in the way they did in Congo-Brazzaville. Although the Zambian government has tightened up on sanctions-busting, some UNITA traffic appears to have continued to transit Zambia for UNITA areas in 1998.

³⁰Xinhua news agency, May 3, 1999.

V. UNDERMINING THE LUSAKA PEACE PROCESS

Human Rights violations were a key factor in undermining the Lusaka peace accords. Better human rights monitoring, reporting, and denouncing of rights abuses could have reduced the ability of both UNITA and the government to abuse Angolan's rights and facilitated attempts to hold those responsible accountable. The impunity with which rights were abused eroded confidence in the peace process and created a vicious cycle of rights abuse that steadily worsened.

The Quartering and Reintegration Process

In 1992 one of the main failures of the peace process was that UNITA failed to demobilize the majority of its fighters.³¹ During the Lusaka process the quartering and reintegration process was also slow.³² The operation started in earnest only in February 1996. It was incomplete and involved few key UNITA troops; conversely, many in the camps were civilians.

By the time of the swearing in ceremony of the new joint army on July 10, 1997 UNITA had quartered 70,660 troops in its fifteen camps for disbanded fighters. Of these, 10,899 troops, including generals and other senior officers were to join the new army. This number, however, fell short of the originally planned target of 26,300 UNITA personnel to be incorporated into the national armed forces. Under the Lusaka Protocol UNITA was also obliged to quarter 62,500 soldiers, but over 22,686 deserted after having registered. By December 11, 1996, when the quartering process officially ended, UNITA claimed a total of 41,796 UNITA soldiers had been demobilized.³³ UNITA on this date declared that all its troops had been confined and their weapons turned over to U.N. peacekeepers.

³¹Margaret Anstee, *Orphan of the Cold War* (London: Macmillan, 1996).

³²Creative Associates, *Angola Quartering Process: Taking Stock, One Year After the Lusaka Accords* (Washington DC: Creative Associates Documentation Unit, December 1995).

³³Paul Hare, *Angola's Last Best Chance for Peace: an insider's account of the peace process* (Washington DC: U.S. Institute of Peace Press, 1998), pp.98-105.

Because of doubts over the accuracy of this UNITA statement, UNITA made a second such statement in March 1998 following calls for clarification.³⁴

A high proportion of those quartered had not been troops, but people conscripted to make up the numbers. U.N. figures show that 4,799 of these were under the age of eighteen and 10,728 were war-disabled soldiers. UNITA was also slow to quarter its self-proclaimed police force, despite strong demands from the U.N. that it do so. UNITA appeared to have replaced uniformed soldiers in some areas with persons that it claimed were police, even though the establishment of such a force was contrary to the provisions of the Lusaka Protocol. Estimates of the strength of this force vary from 5,000 to 15,000. The Lusaka Protocol also provided for the incorporation of 4,962 UNITA members, including 180 officers into the National Police so that the latter could function as a non-partisan institution. In July 1997 UNITA finally provided the U.N. with figures of the size of Jonas Savimbi's security guard and the so-called "mining police," citing the total strength of both forces as 2,963. However, the minister of defense asserted that UNITA had still some 35,000 armed personnel under its control.

Registration and disarmament of so-called "residual" UNITA personnel was concluded on December 22, 1997. A total of 7,977 UNITA soldiers registered, while 7,234 weapons and 57 million rounds of ammunition of different calibers were handed in.

Paul Hare, the U.S. special envoy for the Angolan peace process wrote about this situation, explaining that:

Many observers had believed that UNITA would maintain a residual military force as a form of insurance against unilateral actions by the government or the collapse of the peace process. The real question focused on intentions and capabilities. Was UNITA's purpose to retain a defensive capability only until the overall political and military situation became clearer? Or did UNITA intend to keep an offensive military capability in order to strike at the government again?

³⁴Voice of the Resistance of the Black Cockerel, Jamba, in Portuguese, 1900 gmt, March 6, 1998.

No one knew the answer to these questions. Given the paucity and conflicting nature of information available to the United Nations and the observers, we could only speculate. So much depended on the calculations and decisions of one man: Jonas Savimbi. The only proposition that seemed credible was that as the peace process moved forward in fits and starts and as the government's military power grew stronger, UNITA's room for maneuvering would steadily diminish.³⁵

But Human Rights Watch field investigations in 1998 showed that many U.N. officials in the quartering areas knew that UNITA was not demobilizing its troops and that they had not been disarmed.

Danielle Faure was one of the senior U.N. officials in Lumége quartering area for UNITA soldiers. She registered the soldiers for demobilization and organized their supplies and food, earning her the title of “Iron Lady” by the UNITA troops. She told Human Rights Watch:

It was clear in the quartering area that UNITA was keeping a tight control on its men. The quartering area was mixed with true UNITA soldiers, civilians that had been grabbed and other unfortunate people. I even found a handful of government soldiers that had been prisoners in UNITA areas and had been entered by UNITA as their troops to reach their quota. The majority of UNITA soldiers wanted to demobilize and occasionally in a private moment one could have a more honest conversation about this. But for most of the time the officers kept a tight grip on the rank and file and even arranged the destination that they would request to go for demobilization — always an area under UNITA control. On one occasion I was quietly asked by one soldier to help. He wanted to go home to Luanda. So I arranged to change the list at the last moment just prior to his departure and he went to his requested destination, to hard stares from Colonel Alaleuha who could not believe what was happening.

³⁵Ibid.

Regarding weapons, the guns were a mixed bunch—we even had a Mauser and hand-made things. Nobody believed UNITA was handing in their real weapons.³⁶

UNITA was also stockpiling its weapons and repairing them. Accounts from UNITA areas in 1996, 1997, and 1998 talk of replenishing and maintenance of arsenals. JC worked in one of these bases and continues to be a UNITA soldier. He explained that:

³⁶Human Rights Watch interview, Paris, November 1, 1998.

Although we rested a lot in 1995, in 1996 and 1997 we spent much time replenishing our supplies and ensuring that we would be in a strong situation. We have fuel and weapons storage facilities in many secret locations. Few people know where they are. This year [1998] we are training—on what we have. We are waiting for orders because we know that a war is coming. We never handed over any of our best equipment. Why? We needed it and if we didn't we could make money by selling it to traders. There are markets for our weapons in the Congos, and South Africa.³⁷

UNITA also began intensive military training for men and boys in 1998. A number of sources told Human Rights Watch that starting in 1997 but with increased pace in 1998 they were called to UNITA bases for “dancing.”³⁸ This in practice meant logistic support work or military training. VL is a twenty-seven year old. He fled to Zambia in 1998 because of fear of forced recruitment by UNITA. He had seen many of his friends being grabbed by UNITA who had been using people as young as fourteen years old as porters. In June, in the Cazombo area, UNITA picked up people and put them into trucks which then took people away. He explained:

Until June, things were not too bad. The main thing UNITA did was to tell us in meetings not to talk about them. We knew that they had weapons, including big guns with wheels hidden in the bush, but we didn't want trouble. So we didn't tell anyone. Now and again UNITA would test us. We were forced to dance and sing at their parties and to carry their supplies for long distances. UNITA came to the villages and took down the names of young people to dance and sing at parties and if your name is read out and you don't present yourself at the dance you are punished or your family suffers. This dancing is training, we have to do exercises with weapons.³⁹

³⁷Human Rights Watch interview, southern Africa, August 1998.

³⁸Human Rights Watch interview, southern Africa, July 1998.

³⁹Human Rights Watch interview, southern Africa, August 1998.

Government Quartering and Demobilization

In March 1997 it was also increasingly evident that the government's Rapid Intervention Police (or "Ninjas") were also being discreetly redeployed rather than confined to barracks. The government had quartered 5,450 rapid reaction police in thirteen locations. However, in June to August the government deployed 424 rapid reaction police in Lunda Sul and Lunda Norte provinces without informing the U.N. and declared its intention to terminate the quartering of the rapid reaction police nationwide in reaction to UNITA. U.N. and Troika pressure on the government stopped this but military training of police personnel was observed by the U.N. indicating that the government might be attempting to prepare civilian police for tasks not compatible with their normal duties. In 1998, there was a renewed problem of police being used in military-type operations, especially in areas where state administration had only recently been restored.

The government did demobilize some of its forces. Although it launched a program for social reintegration of demobilized soldiers in August 1996, it was only in late 1997 that it actually became operational. By 1998, some 16,000 former soldiers had registered, despite delays in the delivery of government subsidies, confiscations by unauthorized personnel of demobilization documents of ex-combatants, and ex-soldiers being concentrated in areas they did not choose.

Government and UNITA Restrictions on the U.N.

Both parties, but particularly UNITA, imposed restrictions on U.N. verification activities. The government also failed at times to provide information on troop and military equipment movements and on occasions U.N. military observers were stopped from conducting inspections. Armed UNITA personnel detained a U.N. investigation team and their helicopter for over twenty-four hours at Calibuitchi on July 11 and 12, 1997 and a U.N. team attempt to verify allegations that UNITA was storing weapons in eight containers at Chingongo on July 12 was also stopped. A World Food Program helicopter was also arbitrarily detained by armed UNITA soldiers in June 1997 in Moxico province.

Planting of New Landmines⁴⁰

Angola signed the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction on December 4 1997, but has yet to ratify it. As the country returned to war in 1998,

⁴⁰For a full discussion on landmines in Angola see, Human Rights Watch Arms Project, *Still Killing. Landmines in Southern Africa* (New York: Human Rights Watch, 1997), pp.16-57; International Campaign to Ban Landmines, *Landmine Monitor Report 1999: Toward a Mine-Free World* (New York: Human Rights Watch, 1999), pp.111-132.

both government and UNITA forces have been using antipersonnel landmines. The International Campaign to Ban Landmines has condemned both sides for use of AP mines, but has expressed particular dismay at the Angolan government's disregard for its international commitments. Though the Mine Ban Treaty has not entered into force for Angola, the use of mines by a signatory contravenes its international obligations. Under article 18 of the Vienna Convention on the Law of Treaties, "a state is obliged to refrain from acts which would defeat the purpose of a treaty when...it has signed the treaty." Clearly, new use of mines defeats the purpose of the treaty.

The renewed use of mines also flies in the face of Angola's strong rhetorical support of an antipersonnel landmines ban. The government first publicly stated its support for a total prohibition of antipersonnel mines in 1996 at the end of the Convention on Conventional Weapons conference, when Angolan Ambassador Parreira announced in the final plenary session that "the government of Angola supports a total prohibition of all types of antipersonnel mines." Angola was also active in the Ottawa Process that produced the treaty. It endorsed the pro-treaty Brussels Declaration and participated in treaty negotiations in Oslo. It voted for the pro-ban U.N. General Assembly resolution in 1996 and in 1998.

In Ottawa during the treaty signing ceremony, Angola's then vice-Foreign Minister Georges Chikoti said:

Coming from Angola, a victim country of landmines, and being present at this important day for the signing ceremony, is not only a logical accomplishment for my government but also an opportunity to underline the expectations of the thousands of Angolan children, men and women, victims of this deadly, destructive and coward weapon...It is mainly in the name of all these people that my government has taken a strong commitment to achieve a global ban on antipersonnel landmines...Before I conclude I wish to reiterate that the Angolan government is ready to cooperate as it has always done with the international community and all partners of this treaty who really want it to be implemented over all the Angolan territory including those areas under UNITA control, in order to achieve total peace.⁴¹

⁴¹Statement Made by H.E. Vice-Foreign Minister Georges Chikoti, Ottawa, December 4, 1997.

These words ring hollow in light of the government's continued use of antipersonnel landmines. It is clear that the government is in no hurry to ratify or implement the Mine Ban Treaty. At a British Red Cross meeting, Minister for Social Assistance Albino Malungo was asked by Human Rights Watch about Angolan plans for ratification. The minister warned that article one could not be ratified, even if the rest of the treaty might be (although such a partial "ratification" would not be valid.)⁴² However, in November 1998 Mrs. Josefa Coelho da Cruz of the Permanent Mission of Angola to the U.N. announced that "the fact that Angola has not yet ratified the Ottawa Treaty, in which it participated actively during all the preparatory phases, does not imply indifference or a change of attitude vis a vis this scourge. The document is already in the parliament for ratification."⁴³

Although the Angolan government signed the Mine Ban Treaty in December 1997 it has since been responsible for systematically laying new mines and minefields. Human Rights Watch was an eyewitness to this in 1998 and received numerous reports in 1999 of renewed landmine warfare in central and northern Angola.⁴⁴ These included: (1) seeing new minefields being prepared in Luena in August 1998, and also establishing that the provincial authorities had refused to allow mine clearance operations in these areas;⁴⁵ (2) interviewing newly-arrived refugees in Zambia who said that the Angolan National Police had protected their police station in Cazombo by putting landmines in their roof;⁴⁶ and (3) speaking with Angolan soldiers who admitted to planting landmines under orders in August 1998 during operations in Piri and in Uige.⁴⁷

On December 2, 1998, the Jesuit Refugee Service, Mines Advisory Group, Medico International, and the Vietnam Veterans of America Foundation published an open letter to the government and UNITA calling upon both sides to stop using landmines, noting that in Moxico province landmines had maimed or killed sixty-six persons since June 1998. The organizations wrote: "Demining is forbidden. Even to mark minefields is forbidden! This is the primary cause for many to step on mines in areas formerly safe - civilians as well as military." The letter also stated that in this period, UNITA was laying mines along roads and the government relaid a

⁴²Interview with Albino Malungo, London, July 1998.

⁴³Statement by Mrs. Josefa da Cruz, Minister Counsellor of the Permanent Mission of the Republic of Angola to the United Nations at the United Nations Plenary Meeting on Agenda Item (42) Assistance in Mine Clearance, November 17, 1998.

⁴⁴Human Rights Watch field work in Angola in August 1998.

⁴⁵Ibid.

⁴⁶Human Rights Watch field work in Zambia in July 1998.

⁴⁷Human Rights Watch field work in Angola in August 1998.

defensive minebelt around the town.⁴⁸ In mid-1999 minelaying continues, with reports of new minefields around Kuito, on roads and agricultural land around Huambo by UNITA, and around the airport by the government.⁴⁹

⁴⁸JRS, MAG, MI, VVAF, "Landmines in Moxico Kill and Main 66 Persons since June: Open Letter to the Angolan Government and UNITA," Luena, November 1998.

⁴⁹*Sunday Times* (London), July 4, 1999.

The European Union, in a December 28, 1998 declaration, expressed its “grave concern” about the impasse in the peace process which has resulted in “a serious deterioration of the overall political, military, security, social, and economic situation in Angola...Against this background, the E.U. regrets the increase in mine laying activity in Angola, a country that so far has been a major focus of the Union's demining efforts in Africa. The E.U. calls on the Government of Angola as a signatory of the Ottawa Convention and particularly UNITA to cease mine laying activity immediately and to ensure that valid records exist so that these weapons can be removed.⁵⁰ In July 1999, the E.U. in a declaration by its Presidency called upon “the government, as a signatory of the Ottawa Convention, but in particular on UNITA, to cease mine laying activities immediately.”⁵¹ Additionally, South Africa suspended its assistance to Angolan demining operations in January 1999 because of new laying of mines.⁵²

In 1999, each side has blamed the other for laying new mines: some twenty reports are on file with Human Rights Watch. The following are just three examples: (1) Vice-Governor Simeao Dembo said on December 10, 1998 that UNITA had laid 7,000 new mines in areas of Uige province;⁵³ (2) UNITA reported that ten of its troops had been killed and twenty-five injured in a government minefield near Kunge (Bie) on 16 December 1998;⁵⁴ and (3), in January 1999, a

⁵⁰European Union, “Declaration by the Presidency on behalf of the European Union on Angola,” Vienna, 28 December 1998. The declaration noted that “The Central and Eastern European countries associated with the European Union, the associated country Cyprus and the EFTA countries, members of the European Economic Area align themselves with this declaration.”

⁵¹European Council of Minister Press Release: 10130/99, July 22, 1999.

⁵²Rádio Nacional de Angola, Luanda, 1900 GMT, 11 January 1999.

⁵³Lusa news agency (Macão), December 10, 1998.

⁵⁴UNITA Standing Committee of Political Commission, Bailundo, December 17, 1998, www.kwacha.com.

Portuguese journalist was shown evidence by government soldiers of what they called new mining at Vila Nova (Huambo), which had just been retaken from UNITA rebels.⁵⁵

⁵⁵*Jornal de Noticias* (Lisbon), January 21, 1999.

At the first meeting of the State Signatories of the Ottawa Landmine Ban Treaty in Maputo on May 3-7, 1999, the Angolan government delegation arrived only on the eve of the closing day and attempted to avoid discussing the new use of landmines in Angola. Vice Foreign Minister Toko Serrão justified the government's use of landmines by saying "we remain committed to the noble objectives of the treaty. But we are at war right now."⁵⁶ The government argued that it mines to protect strategic installations like dams and electricity pylons and that these are mapped and will be cleared later by the army at no cost to the international community. While UNITA rebels mine farmland and roads without mapping them.⁵⁷

According to Norwegian People's Aid (NPA), the extent of the latest mine laying has been "exaggerated" and the maiming of people fleeing fighting and accidents reported are mainly from mines planted in the past. NPA also reports that the government has provided it with some information on where it has planted new landmines.⁵⁸

Banditry

There were many acts of banditry by people in uniforms during the Lusaka peace process. Often it was impossible to conclude who these people actually were and who they took their commands from. This was made more difficult because of a robust trade in second hand clothing, some of it military and police uniforms.

The security environment remained volatile in many parts of the country. In late 1996 and 1997 dozens of civilians were attacked, often in highway ambushes and killed by unidentified gunmen. Some of these incidents have occurred near assembly areas. In 1998 incidents of banditry were particularly bad in Benguela and Huila provinces.

The availability of weapons contributed to a significant rise in armed crime and banditry with the situation in Benguela and Lunda Sul provinces being particularly bad. The government was expected under the Lusaka Protocol to disarm the civilians it armed in 1992, when up to a million AK-47s in Luanda alone were issued. The numbers handed over to police by mid-year were disappointing: 102 crew-served weapons, 2,642 firearms of various types, and 21,100 rounds of ammunition. In August 1997 the government announced its suspension of

⁵⁶Inter Press Service, May 19, 1999

⁵⁷Human Rights Watch interview with Angolan delegate, Maputo, May 6, 1999.

⁵⁸IRIN, "Angola: IRIN Special Report landmine crisis [19990602]," June 2, 1999.

disarmament of the civilian population pending the completion of the normalization of state administration. It insisted that the civilian population in both government and UNITA-controlled areas be disarmed simultaneously.

The government's so-called anti-banditry campaign in late 1997 in Benguela, Huila, and Huambo provinces had to be abandoned because the government acknowledged that its own security forces were out of control.

With inflation reaching over 3,000 per cent a year in 1996 and a spate of strikes by government workers the government feared serious rioting in Luanda in June and embarked on aggressive policing with its Rapid Intervention Police. President dos Santos fired Prime Minister Marcolino Moco and the governor of the National Bank of Angola in late May 1996 and announced a significant government reshuffle in June in an effort to further reduce tensions in the city. In August 1996 the government launched "Operation Cancer Two," attributing its crime control problems to West African and Lebanese immigrants, rounding up over 2,000 West African passport holders and Lebanese in Luanda and ordering their summary expulsion.

In Luanda politically and economically motivated violence by state security forces and common criminal violence were often indistinguishable. A large number of violent crimes, including robbery, vehicle hijackings, assault and kidnapping, rape, and murder were committed by members of the military and police both in and out of uniform. The government's Rapid Intervention Police—"Ninjas"—were also reported in 1997 and 1998 to have summarily executed people caught in the act of committing crimes. There have also been gun battles between police and military or with bandit groups in the suburbs resulting in significant numbers of civilian casualties.⁵⁹

Growth of Separatism

The oil-rich enclave of Cabinda is where 60 percent of Angola's oil comes from. It is also the scene of an often forgotten violent separatist conflict. Fighting started in Cabinda in 1975 when Zaire-trained Front for the Liberation of the Cabindan Enclave (FLEC) factions invaded Cabinda. FLEC claims to be fighting for independence and a greater cut of the oil revenue generated from the enclave. They were crushed by a joint government and Cuban force in January 1976 and

⁵⁹For a discussion of the economy and the challenges it puts on conflict resolution see: Saferworld, *Angola: Conflict Resolution and Peace-building*, Saferworld Report, September 1996, pp.1-52.

ever since there has been a low-level separatist war. President Mobutu of Zaire continued to support the separatists officially until 1978, when he signed a treaty with Angola. Then, until his overthrow in May 1997, Mobutu turned a blind eye to FLEC's activities, allowing his officials to take a percentage of ransom and protection payments received in the enclave by the separatists.

The government has entered into negotiations with the leaders of the separatist groups, offering them funds and positions of patronage in return for peace. The government restarted negotiations in 1995 with the armed factions FLEC-R (Renovada), FLEC-FAC (Armed Forces of Cabinda) and FDC (Democratic Front of Cabinda). But in 1997 these negotiations appeared to break down, with a truce between FLEC-R collapsing and FLEC-FAC increasing its military actions in the north of the enclave. There is also a tradition of kidnapping for ransom payments. In February 1997 a Malaysian national working with the Malaysian timber company Inwangsa SDN died after being kidnapped by FLEC-FAC. His companion was eventually released on payment of a U.S.\$400,000 ransom. A new spate of kidnappings in April 1998 saw two Portuguese and nine Angolans abducted by FLEC-FAC. They too were released later in the year for an alleged fee of U.S.\$500,000.⁶⁰ Abduction continues in 1999. On March 10, 1999 five people, two Frenchmen, two Portuguese, and an Angolan were feared kidnapped by FLEC separatists. They were working for Byansol, a French engineering company attached to the oil industry.⁶¹ FLEC-R freed the Angolan and the four foreign citizens were released on July 7 freed by an Angolan army elite unit. Ten days before, on June 27 Antonio Bembe, the leader of FLEC-R went to a remote area of Cabinda after being promised a \$12.5 million payment for the two Portuguese and two French hostages. Instead, Bembe and his accompanying military guard were captured by Angolan forces.⁶² FLEC-R had threatened to kill the hostages if the Angolan government attempts military action to obtain their release.⁶³ The Lusa

⁶⁰ *Agora* (Luanda), June 27, 1998.

⁶¹ Associated Press (AP) news agency, March 10, 1999.

⁶² AP, July 11, 1999; *Público* (Lisbon), July 9, 1999.

⁶³ *Público* (Lisbon), April 22, 1999. FLEC-FAC threatened to kill the Portuguese hostages on July 2 unless Lisbon began negotiations for their release. RDP Antena 1 radio,

news agency reports that FLEC rebels opened fire on a civilian vehicle and killed four people and injured six others near Miconge on June 13, 1999.⁶⁴ The Angolan military also reports that FLEC-FAC has kidnapped at least seventy young men of military age from local villages in May.⁶⁵

Lisbon, in Portuguese 1400 gmt, July 2, 1999.

⁶⁴Lusa (Macão), June 13, 1999.

⁶⁵Lusa (Macão), June 7, 1999.

The government appears to have decided that there is no longer a need to negotiate with the separatists and detained the leadership of all three armed factions in the course of its military actions in Congo-Brazzaville and in Kinshasa. The breakdown of negotiations has resulted in an upturn of fighting in Cabinda. In 1999 the security situation in Cabinda remains highly volatile, with an estimated 3,000 Cabindans pushed in from the Congos after the FAA launched operations against them there. A World Food Program assessment mission to investigate the possibility of assisting noncombatants in this forced repatriation visited Cabinda in January 1998 but was denied permission by the governor to leave the provincial capital.⁶⁶ Afonso Justino Waco, a protestant cleric, was arrested in Cabinda city in August 1998 after giving a radio interview and accused of defaming the government. He was regarded by Amnesty International as a prisoner of conscience. He was released five days later and is now living in Denmark, where he obtained political asylum. Also in Cabinda, a catholic priest preached a sermon in September 1998 mentioning FLEC, resulting in the provincial delegate of the Ministry of Interior writing to the bishop of Cabinda warning that the Ministry of Interior would not take responsibility for what would happen if the priest did not change his behavior.⁶⁷

Support for independence is strong in Cabinda: the majority of Cabindans boycotted the 1992 multiparty elections in protest at Luanda's iron-fisted grip on social and political life in the enclave.

⁶⁶Amnesty International, "Angola: Extrajudicial executions and torture in Cabinda," AI Index: Afr 12/02/98, April 1998; Amnesty International, "Extrajudicial executions - fear of further killings," AI Index: Afr 12/07/98, September 1998.

⁶⁷Amnesty International, "Human rights - the gateway to peace," AI Index Afr 12/01/99, February 1999; *Agora* (Luanda), August 29, 1998.

VI. ABUSES COMMITTED BY UNITA

Throughout the Lusaka peace process, the number of incidents involving armed assaults and clashes gradually increased. UNITA rebels denied they were responsible, blaming uncontrolled bandits for much of the violence. Field investigations by Human Rights Watch in July and August 1998 found that although a number of these incidents may have been acts of banditry, the majority were organized and coordinated military operations by UNITA or by government forces.⁶⁸

International Law Governing the Crisis

Although outright war began in December, military operations had been ongoing in Angola throughout 1998. The conflict in Angola constitutes an internal armed conflict under the laws of war, also known as international humanitarian law. Angola is a party to the Geneva Conventions and its two additional protocols.⁶⁹ Article 3 common to all four Geneva Conventions sets out fundamental rules applicable to internal armed conflicts that are not subject to suspension under any

⁶⁸See also, Amnesty International, "Angola. Human rights - the gateway to peace."

⁶⁹The Republic of Angola has ratified the following principal human rights, humanitarian law, and refugee law treaties: the African Charter on Human and Peoples' Rights, International Covenant on Civil and Political Rights (and its first Optional Protocol), International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, the four Geneva Conventions of 1949 and its first Additional Protocol, and the Convention relating to the Status of Refugees.

circumstances, and that are widely accepted as constituting customary international law. Virtually a convention within a convention, common article 3 provides in relevant part:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of the armed forces who have had laid down their weapons and those placed *hors de combat* by sickness, wounds, detention or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

The 1977 Protocol II additional to the Geneva Conventions is also directed at internal armed conflicts, and elaborates these fundamental guarantees of humane conduct and they should denote two areas of protection of civilians.⁷⁰ In particular, article 4 of this protocol provides in relevant part:

⁷⁰In early 1999 a colonel from the Angolan armed forces working with the FAA's Division of Doctrine and Training traveled to Geneva to attend a two-week ICRC course in international humanitarian law and a one-week seminar on curriculum development. The ICRC hopes he will collaborate in incorporating international humanitarian law into within the training of the Angolan armed forces."Update No.99/03 on ICRC activities in Angola," June 22, 1999.

Fundamental guarantees

- (1) All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.
- (2) Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:
 - (a) violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
 - (b) collective punishments;
 - (c) taking of hostages;
 - (d) acts of terrorism
 - (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
 - (f) slavery and the slave trade in all their forms;
 - (g) pillage;
 - (h) threats to commit any of the foregoing acts.

The principle of protection of civilians is at the core of both provisions, and indeed, is fundamental to all humanitarian law. A civilian is anyone who is not a member of the armed forces or of any armed group of a party to the conflict. Included as protected persons are also members of government or insurgent forces who are wounded, sick, seeking to surrender or in captivity. Both Common Article

3 and Protocol II bind all parties to the internal armed conflict, including the insurgent party.⁷¹

The government of Angola is also bound by the provisions of the International Covenant on Civil and Political Rights, to which the state is a party. That treaty, in article 4(1), provides that states parties may take measures derogating from certain rights “in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed.” The government of Angola has not declared a state of emergency, however, saying that it still wants its citizens to enjoy their full rights.

Even for rights the derogation of which is permitted, however, any derogation may be only “to the extent strictly required by the exigencies of the situation” and must not “involve discrimination solely on the ground of race, color, sex, language, religion or social origin.” Some of the rights that may not be derogated even during a state of emergency include the right to life (article 6), the prohibition of torture or cruel, inhuman or degrading treatment or punishment (article 7), the ban on slavery in all its forms (article 8), and freedom of thought, conscience and religion (article 18).

Killings, Mutilation, Sexual Abuse, and Enslavement by UNITA

⁷¹The commitment of a state to these provisions applies also to private individuals in that state's territory who are thereby bound by the same rights and obligations. International Committee of the Red Cross, *Commentary on the Additional Protocols of 1977* (Geneva: International Committee of the Red Cross, 1987) p.1345, para.4444. The government's application of these provisions does not confer on the insurgents any international recognition on the insurgent party. Nor do Common Article 3 and Protocol II provide any special status for insurgents in internal armed conflict such as the combatants privilege to kill or capture enemy troops, or prisoner-of-war status when captured. Ibid, p.1344, paras 4439, 4440.

UNITA maintained tight control of the people in the areas it controlled and, even when state administration was expanded, continued to prevent the enjoyment of greater freedoms through arbitrary killings, threats, forced conscription, and sexual services. Human Rights Watch collected over one hundred testimonies from Angolans who had survived or witnessed atrocities by UNITA forces in areas ostensibly returned to government control.⁷² A few of the many examples we gathered follow.

VT was a farmer in Moxico province. He is thirty-two and fled to Zambia in 1998 because of UNITA attacks on villages near Lumbala N'guimbo. He described the following:

UNITA like killing too much. That is why I left Angola to sit here away from my ancestors and friends. UNITA came to our village in June and said it was time you all came with us. We refused and UNITA grabbed my father, wife and grandmother and said—see what we can do. The commander — Col. Consagrado then axed them, saying bullets were too precious. We then knew we would be butchered like goats unless we followed. So we were taken to a base for training in guns. I escaped and fled to Zambia—UNITA is too much of a problem.⁷³

JS is a twenty-seven-year-old farmer. He fled from Cazombo with his wife and walked three days and nights to reach safety.

Before UNAVEM left in June things were good in Cazombo, we had a market and hospital and UNITA left us more or less alone as long as we did not talk about them. We liked the UNAVEM and even the MPLA because they meant the confusion was over. UNITA didn't like this and UNITA would kill if people talked. I know one Kayombo Kamutoka and two other people picked up by UNITA. Kayombo had been asking why UNITA continued to treat people badly. He was told that he was insulting UNITA and he was killed. This happened in April. Three of them were on the line to be killed but one of them, Kabe Branco was saved because his brother-in-law was a UNITA soldier.

⁷²The names of all refugees interviewed have been changed in order to protect their safety and privacy.

⁷³Human Rights Watch interview, Zambia, July 26, 1998.

The two were tied, blind-folded and stabbed in the neck. They were taken to the forest. People always find dead people in the forests. The soldier in charge of Cazombo is Mulyata. He is Mbundu. The soldiers kill at his orders.⁷⁴

BC comes from Lovwa, Cazombo. He fled to Zambia in March 1996 after a UNITA attack on his village. He explained that:

In December 1995 the MPLA warned of more war. For us the war began in January 1996. UNITA came at night and surrounded the village, they then killed lots of people. Among those killed were my mother, my uncle, and six brothers and sisters. Those who were not killed were gathered and boys were recruited in the army, old people were shot dead and other boys and girls were asked to carry bullets. Their leader was named Tembetembe, a Mbundu. I was in the bush for four months dancing for UNITA. We used to walk long distances to go and dance at UNITA parties. While in the bush we heard there was war in Luena and UNITA told us that all men would be taken to the front. We escaped that night before we were going to be sent to Luena. It took us six months to get to Jimbe [on the Zambian border] because we didn't know the way.⁷⁵

⁷⁴Human Rights Watch interview, Zambia, July 25, 1998.

⁷⁵Human Rights Watch interview, Zambia, July 25, 1998.

In 1998 accounts of UNITA killings increased. On January 4, 1998, a forty-nine-year-old priest, Albino Saluhaco, and two catechists were reportedly killed in Katchiungo, Huambo province. According to witnesses, UNITA burst into the mission and abducted the priest and the two catechists, Agostinho Salambila and Sebastião Kalondongo. They allegedly took the three men a short distance, made them sit down on the road, shot them, and mutilated the bodies.⁷⁶ The attack occurred on the day that the government took control of the village from UNITA.

Five persons were killed in a UNITA attack on Tschiponga on April 7 and a man was executed after being tortured in public on May 6 in Cunhinga.⁷⁷ In May a worker associated with the Lutheran World Federation (LWF), Caetano Kalembella, was axed to death by UNITA in Lumbala Nguimbo. UNITA claimed he had been guilty of witchcraft,⁷⁸ but UNITA officials had apparently been suspicious of his good relationship with the humanitarian organization.

In Quale district of Malanje province, UNITA reportedly killed civilians on May 1, June 26, July 1, and July 6. Some bodies were reportedly thrown into the Mkuna river while others were left where they were killed.⁷⁹ In December UNITA military forces briefly occupied the town of Cunje and killed twenty-five civilians; many more who were wounded took refuge in the town's train station.⁸⁰ Alex Belida, an American journalist, interviewed an elderly man who was a survivor of the massacre. The old man recalled how he and other residents of the town who did not flee the rebel advance took shelter in a derelict railway maintenance facility as Cunje was being shelled by UNITA. The shelling lasted through the night. In the morning, rebel soldiers moved in and discovered the hidden civilians. People tried to tell the rebels they were just innocent civilians hoping to save themselves. He described the massacre:

They were saying we are just people, we are just people. We are not doing anything here. We are just hiding and they [UNITA] said, no,

⁷⁶Human Rights Watch interview, Luanda, August 26, 1998.

⁷⁷Human Rights Watch interview, Luanda, August 24, 1998.

⁷⁸Human Rights Watch interview, Zambia, July 25, 1998.

⁷⁹Human Rights Watch interview with UNITA, Luanda, August 27, 1998.

⁸⁰Human Rights Watch telephone interview with eye witness, January 15, 1999.

what you are doing here is giving up your life. And they [UNITA] took grenades and started throwing the grenades inside of the hole [the maintenance pit] where they were hiding.⁸¹

After the explosions, the man said the rebels opened fire with automatic weapons killing many people. He fled as the shooting began and was shot at, narrowly missing death or injury as a bullet went through his hat. He now lives in fear of another attack.

⁸¹Voice of America, report number 2-246178, March 3, 1999.

FF came from the village of Muconda, in Lunda Sul province. In June 1998 UNITA soldiers forced people out of their homes, telling them to leave Muconda. They spent a week walking to Saurimo, travelling by night so as not to get caught by soldiers. In April 1999 FF and thirty other villagers decided to try to go home to fetch food they had left in their fields. When they got home, UNITA caught them. "They beat us all with sticks and guns, then they sat down to eat. When they'd finished their meal their officer told them to kill us, but with knives and machetes, not guns, because he didn't want to waste ammunition."⁸² Twenty-five of the villagers were killed. FF escaped because he fainted and they thought he was dead.

On April 14, 1999, Save the Children/USA's Kuanza Sul manager António Ferreira and church NGO worker Pastor Manuel Gabriel were killed with axes during an ambush on the Gabela - Sumbe road. Ferreira suffered heavy cuts on his jaw, neck, and spine and was pierced in the heart with a pointed instrument. Pastor Gabriel was murdered with sharp objects and his body mutilated. Ferreira's body was found under a tree; his shoes, trousers, jacket, and wrist watch had been taken. His Save the Children card was cut into small pieces and his photo disfigured and the pieces spread around him. There was a small circle drawn around him to give the impression that his body was mined.⁸³

⁸²*Independent* (London), May 13, 1999.

⁸³SCF/USA, "The Incident of the Ambush on Save the Children Vehicle on April 14, 1999 Kuanza Sul, Angola," SCF/USA report. Four other Angolans were shot on the spot. The report concludes that UNITA had been responsible for this massacre.

Villagers reportedly found two mass graves containing more than ninety bodies in the village of Chipeta, near Kuito on July 19. The bodies, bound with nylon cords, were discovered by local villagers clearing four ditches.⁸⁴ UNITA had occupied Chipeta for three months until recaptured by government forces in late April. This report, which has not been independently verified, came three days after *Jornal de Angola* reported an alleged massacre by UNITA of more than fifty people near Huambo.⁸⁵

UNITA rebels on July 20 briefly occupied the town of Catete, sixty kilometers from Luanda. The rebels killed ten people, four of them civilians, looted possessions from local residents, and took several people hostage.⁸⁶

Mutilations

Mutilations have not been commonplace in Angola's long history of conflict, but in 1998 an increasing number of reports of mutilation reached Human Rights Watch. The following are three accounts that we have verified. All mutilations have a clear political message: these practices were not gratuitous or the result of intoxication or poor discipline.

- February 27, 1998. The *soba* of Muenho was detained and tortured by UNITA personnel. Both of his ears were cut off by the attackers, reportedly who were enraged that he had allowed the government flag to fly over his village.⁸⁷
- July 4, 1998. A Toyota Hilux, a bus, and a Nissan pickup were ambushed on the Saurimo-Lucapa road near the Luo river (Caxiaria area) by fifty to sixty armed men with assault rifles and in FAA olive-green uniforms and red berets, who spoke Ovimbundu. Seventeen people were killed and seventeen injured. One FAA soldier in the convoy was executed on the spot and his head was deliberately pulverized. One woman was also stabbed with a knife and cut

⁸⁴Reuters, July 19, 1999. The U.N. secretary-general issued a statement following the report of this massacre saying: "The Secretary-General is deeply distressed by press reports concerning the discovery of two mass graves in the Chipeta village in Cuito province in Angola. Due to the deterioration of the security situation, the United Nations does not have any presence in the area and it cannot, at this stage, confirm these reports. The Secretariat is attempting to obtain further information or confirmation before making any other comment." M2 PRESSWIRE, 07/21/1999.

⁸⁵*Jornal de Angola* (Luanda), July 16, 1999.

⁸⁶Human Rights Watch telephone interview with eyewitness from Catete, July 27, 1999.

⁸⁷Human Rights Watch interview, Luanda, August 26, 1998.

open from her crotch up to her stomach. Two other FAA soldiers and one Angolan National Police men were executed on the spot. One woman and an ANP officer also had their ears chopped off and were told to tell what happened.⁸⁸

⁸⁸Ibid.

- December 5, 1998. Two men caught by UNITA who said they were FAA scouts had their ears cut off and were sent back to government areas to tell their “comrades” that “we mean business.”⁸⁹

Atrocities Against Children

Children are the frequent targets of brutal, indiscriminate acts of violence by UNITA. Children are murdered, beaten, raped, enslaved for sexual purposes, forced to work, and forced to become UNITA soldiers.

An example of this type of violation is JC, a fifteen-year-old boy who was abducted by UNITA forces near Lubango in late 1997 with six school friends. They were taken through Huambo by UNITA late at night and driven to Bailundo, then to Mavinga and told he was going to Jamba for military training. Three of the boys were killed; Jonnie escaped and headed for Zambia, entering at Shangombo in July 1998. He is living with some distant family members in a refugee camp.

UNITA grabbed us when we were on a trip out of Lubango. We were at Quimba and were then forced into a truck and driven to Huambo and then to Bailundo. UNITA just paid the [government] officials to let us through despite our complaints. We were chained and locked up at night in Bailundo but were told we were to become soldiers. In Mavinga I and three friends, António (thirteen), João (fourteen) and José (fourteen) tried to escape but the other three were caught. I saw them killed with an axe in front of the other boys as a lesson. There must have been sixty of us in total in the truck from Lubangao and Huambo.⁹⁰

Human Rights Watch obtained many accounts of children being abused in UNITA zones in southern, central, eastern, and northern Angola. A government soldier told Human Rights Watch how he was shocked to find child soldiers firing AK-47's at him in December 1998. He said the children appeared well trained and motivated.⁹¹

⁸⁹Human Rights Watch telephone interview with eyewitness in Huambo hospital, January 10, 1999.

⁹⁰Human Rights Watch interview, Zambia, July 23, 1998.

⁹¹Human Rights Watch interview, London January 16, 1999.

Sexual Slavery

Women and girls are the primary targets of widespread rape, sexual slavery, and other forms of sexual violence. Although the exact number of those raped will never be known, testimonies from survivors confirm that sexual violence has been widespread. There were several accounts of women and girls being brutally raped as an immediate punishment for refusing to follow instructions or in retaliation for the acts of others held in captivity.

These crimes, and other forms of sexual violence, are expressly condemned in international humanitarian law. The Geneva Conventions of August 12, 1949 and the Protocols Additional to the Geneva Conventions prohibit rape in both international and internal conflicts.⁹²

The crimes of sexual violence committed by UNITA against women and girls are often accompanied by other forms of violence. Many are forced to work as porters for UNITA and witness their children being abducted or abused.

UNITA's rape and enslavement of women and girls for sex is not only a vicious expression of power over the individual, but also a means of expressing dominance over the community and acts as a reward system for UNITA soldiers and commanders.

The following are some of the testimonies of Angolan and other women who survived or witnessed sexual violence in UNITA areas. MS is a nineteen-year-old woman. She escaped from UNITA areas in July 1998.

UNITA called me for “dancing” and I had to go in 1995. I then was given a dress and told to marry a soldier. He forced himself on me and told me that I would die if I ever complained. Since that time I've wanted to escape. There are many of us — UNITA takes girls from twelve onwards, gives them dresses and then has them cook, farm, love, and dance. We have no choice, if we complain we are beaten. If we try and escape we can be killed or our families suffer. I said I was getting firewood and then I walked to Zambia. I am free from daily abuse now and have choice in what I do.⁹³

GM came to Zambia from Cavungo in 1995 because of the conflict. She explained:

⁹²Rape in internal armed conflict is prohibited under article 3, subparagraph (c), common to the four Geneva Conventions of 1949 and by Article 4(e) of Protocol II.

⁹³Human Rights Watch interview, Zambia, July 26, 1998.

In 1991 UNITA came and picked us up from home in Kayanda to Kameme in the bush. We were forced to carry bullets and if anyone refused they were beaten. We were also forced to dance for UNITA. After dancing we would go to farm. There was no freedom and when people sat down to rest they were asked what they were thinking about. The favorite age group was between twelve and forty-five years. Girls were forced to marry soldiers and those who refused risked their lives. We had no choice. After four years of working with UNITA I finally managed to escape through Jimbe.⁹⁴

Refugees as well as Angolan women were raped and forced into “marriages” with UNITA officials. A Burundian woman, LC, was from September 1997 to June 1998 in the Luão refugee camp in Angola under UNHCR Protection. During this period UNITA soldiers “taxed” the refugees and took a number of women forcefully for sexual services. A Major Vikeya forced three Rwandan refugee women to “marry” him in early 1998.⁹⁵

Abductions

The abduction of civilians by UNITA is commonplace. People of all ages are abducted, but abductees and witnesses point to young men, women, and young girls and boys as preferred targets. The soldiers capture individuals and groups to add to their pool of labor for portering, food production, and general tasks. Women and girls are taken as “wives,” or sexual slaves, to cook and perform other domestic tasks and for portering of weapons and supplies. One UNITA commander told Human Rights Watch that “[w]omen are our Toyota Hilux. They are four-wheel drive, are comfortable, and have stereo sound.”⁹⁶ Young men and boys are abducted for forced recruitment as soldiers.

In December 1998 two priests and six nuns were reportedly abducted after UNITA took control of Chinguar, Bié province.⁹⁷ Foreign workers for

⁹⁴Human Rights Watch interview, Zambia, July 25, 1998.

⁹⁵Human Rights Watch interview, Zambia, July 25, 1998.

⁹⁶Human Rights Watch interview, Angola, August 1998.

⁹⁷Human Rights Watch telephone interview with Catholic church source, Luanda,

commercial firms have also been abducted for forced labor or as a political tool to obtain protection or ransom payments or to close down commercial operations. Common Article 3 (1) of the Geneva Conventions forbids the taking of hostages.

On November 8, 1998 UNITA rebels attacked the Yetwene diamond mine which is partly owned by the Canadian company Diamond Works. Eight people were killed, including two British citizens and one Brazilian citizen, and ten people were also abducted. Those who are still missing include: South Africa Doug Larsen, Briton Jason Pope, Wilfred Amoges and Roberto Baptista (both Filipinos), as well as six Angolan workers.⁹⁸ Initially UNITA categorically denied any involvement, but on December 22, Paulo Lukamba Gato, secretary general of UNITA told Reuters that “[w]e attacked the position but we did not take any hostages.”⁹⁹

In February 1999, UNITA was reported to have kidnapped four foreign employees of a construction company in Mbanza Congo: two Portuguese and two Spaniards.¹⁰⁰ On May 12 near Luzamba UNITA claimed to have shot down an Antonov AN-26 and captured its three Russian crew, Alexander Zaitsev, Sergai Chestyakov and Sergei Zakharov, which the rebels claim are in good health but

⁹⁸*Daily Telegraph* (London), January 8, 1999.

⁹⁹The British and South African governments have tried to contact UNITA in an attempt to obtain the release of the hostages. On December 2, 1998 Njuguna Mahugu, then chairman of the U.N.'s Angola Sanctions Committee responded to a note verbale (No.485) from Sir Jeremy Greenstock, Britain's Permanent Representative to the U.N. by approving an exemption for contact with UNITA by Britain. South Africa sought an exemption in July 1999 from the U.N.

¹⁰⁰BBC online network, February 20, 1999, available at:
<http://news2.thdo.bbc.co.uk/hi/english/world/africa/newsid%5F283000/283125.stm>

were “mercenaries.”¹⁰¹ The U.N. Security Council on May 19 condemned the shooting down of the plane and demanded the release of the captured Russian crew and other foreigners who might have also been taken hostage.¹⁰²

On July 1 an Antonov-12 aircraft belonging to the private company Savanair crashed in northeastern Angola. According to international press reports the plane was a commercial flight carrying “chicken” and was trying to make an emergency landing when it crashed at Capenda-Camulemba, a town in the diamond-rich Cuango valley of Lunda Norte province. However, UNITA on July 2, claimed that it had shot down the plane, which it said was carrying a “high-level military delegation” and war material and that it was shot down near Xa-Muteba. UNITA also claimed to have captured four Russian crewmen from the flight and a fifth Russian died of severe burns.¹⁰³

¹⁰¹Anna Richardson of the DPA newsagency in Luanda reported that an investigation of this plane crash had shown that it had crash landed after engine failure, London, July 2, 1999.

¹⁰²See, S/PRST/1999/14 and press release SC 6681 of May 19, 1999.

¹⁰³Agence France-Presse news agency, July 1, 1999; *Diário de Notícias* (Lisbon), July 3, 1999. According to the UNITA statement the five Russians were Toudov Alexandre, Gmyziney Italia, Lattesko Maxim, Kaxine Vladimir and Trogo Vpos Alexi - who died from burns.

In response to these actions the Russian Foreign Ministry on July 6 urged UNITA to release the crew members of two Russian planes shot down. "We call upon UNITA, its leadership and personally Doctor Savimbi to show a humane approach toward our people and take urgent measures to release them," Vladimir Rakhmanin told a news conference.¹⁰⁴

Forced Labor and Forced Recruitment

The distinction between forced labor and recruitment is blurred in UNITA as all services serve a military purpose. ET, a nineteen-year-old described being forced to work for UNITA:

I left UNITA in September 1997. UNITA were taking people to go and dance. I was picked up as one of the dancers and they were teaching us war dances. Those who refused to go for dances were beaten. Then they would enslave them and they would be forced to draw water, collect firewood, and build huts for UNITA.

After dancing they would teach us military things like how to handle a gun and politics. They also taught us to speak Mbundu. If one did not turn up for the Mbundu lessons, they would be beaten up. UNITA picked young people from about twelve years old to go into the bush and dance at UNITA parties and perform any other duties assigned to them. Girls were given dresses and forced to marry UNITA soldiers. They started doing this in 1996 and I decided to leave in December 1996. I lied that I was going to collect firewood. It took nine months to reach the border because I was very hungry and my feet kept swelling due to the walking.

Others I know who were recruited to dance were Kayombo, Kahilu, Muzula, Chinyama and Chiwundu.¹⁰⁵

UNITA's initial punishment for lack of obedience was beating. EM, a twenty-six-year old, described it:

¹⁰⁴AP, July 6, 1999.

¹⁰⁵Human Rights Watch interview, Zambia, July 25, 1998.

They take off your clothes and make you lie on cement, then they pour water on you and start beating you. They use a hippo's tail to whip and when they say you will be given fifty strokes, what they mean is one hundred and so on. They have a building within the camp which they call their prison and after the strokes you are taken to the prison where you are used as slave labor.¹⁰⁶

EL also said people were forced to learn the Mbundu language in the base:

They do not want people to use any other language apart from Mbundu. They have schools where Mbundu is taught and all young people are requested to attend lessons. Those who miss, are "taught" a lesson. If one misses for two days, they are picked up together with the family and whipped.¹⁰⁷

Imprisonment by UNITA is often in appalling conditions. MC was a former MPLA soldier who was freed on condition that he live in UNITA zones. He had lived in these zones from 1991 to 1997 with no problems. However in July 1997 UNITA came to his hut and accused him of hiding weapons on behalf of the MPLA.

They picked me up with five others and imprisoned us. The prison took the form of a dis-used water tank. We were locked in the tank for seven days without food. There was only a small opening for air. After seven days, they wanted to take us to Cazombo, but we escaped on the way while UNITA were sleeping. They had tied our hands with rope but we untied it with our teeth.¹⁰⁸

Eugenio Manuvakola was the UNITA secretary general who was made the scapegoat for having signed the Lusaka Protocol by Jonas Savimbi. Manuvakola was arrested by UNITA troops in February 1995 and handcuffed for a week. He was then sent into a kind of internal exile in what he described as a "camouflaged prison," a hamlet surrounded by policemen. He believes he was kept alive because of the need to be seen occasionally by diplomatic visitors to Bailundo. In December

¹⁰⁶Human Rights Watch interview, Zambia, July 26, 1998.

¹⁰⁷Human Rights Watch interview, Zambia, July 25, 1998.

¹⁰⁸Human Rights Watch interview, Zambia, July 25, 1998.

1995 he was put under house arrest in Andulo and in August 1996 transferred to Bailundo. A year later he escaped with his family to Luanda and described why he left.

I must say nobody can say anything in UNITA. There are many who suffer in silence. That is the truth. In Bailundo I would not be able to say what I am saying here. That is why I am saying that not even I could demand that Dr. Savimbi talk to me...We are just like chickens in the coop that do not know whether the next day they will be taken to the frying pan or whether something else will happen. However chickens contentedly eat their corn every day because they do not know what will happen tomorrow, nor do they care. For human beings this is impossible, we cannot live with the knowledge that tomorrow we will be killed.¹⁰⁹

Other Human Rights Abuses

Pillage

The private property of civilians was frequently pillaged and their homes intentionally burned in violations of the laws of war.¹¹⁰ For example, UNITA killed one civilian and stole forty-eight head of cattle during an attack on Tchilata on March 4. Another such attack by UNITA forces on a village near Chongoroi on March 15 resulted in one killed, two others abducted, and the burning of thirty-five houses and the areas under cultivation.¹¹¹

UNITA forces also attacked Santa Ana on March 16 and killed five persons, stole livestock, and destroyed the village's crops. On March 18, UNITA forces killed one person and stole 400 head of cattle in Catata. This pattern continued throughout 1998, as did looting of humanitarian aid agencies. An example was the looting of the Lutheran World Federation's (LWF) office in Lumbala Nguimbo. State administration was restored to Lumbala in February 1998, but only lasted until June 16, when the police fled claiming their lives were at risk. JJ who worked for LWF, then described what happened:

On June 23 UNITA announced a meeting for the following morning at 0700. The meeting was chaired by the UNITA secretary. He told people

¹⁰⁹*Jornal de Angola* (Luanda), August 28, 1997.

¹¹⁰Geneva Convention Protocol II, Article 4 (2) (g), of June 8, 1977.

¹¹¹Human Rights Watch interviews, Luanda, August 27, 1998.

not to run away, that UNITA would select a group of people to work with, and that something would happen soon. This sounded like a threat to many people. On my way home, I met my friends from LWF and they said things were not all right. UNITA had come to demand the keys for MONUA's compound from LWF. We informed our regional office in Luena that we would soon be cut off.

UNITA put their own armed guard on LWF. I was called into the compound and I was told by UNITA that they were going to work with me and that they were working under the authority of a higher command. They asked me about the radio and I lied to them that it had gone for repair. On June 24, they removed the solar plate, a typewriter and map and asked for the keys to the diesel room. I was scared. On June 25 they forcibly opened nineteen drums of diesel and two drums of oil. I secretly met MONUA and told them we were fleeing. They offered to take us to Cangamba, but we felt we would be at greater risk there.

MONUA itself withdrew by air taking all its assets on June 26. Following their departure UNITA closed the airstrip by putting logs and other obstacles on it. UNITA then continued to loot LWF's premises in Lumbala. On June 28 the radio, door, and window frame was taken and on June 29 the roof, leaving an empty shell - everything was transported out of town. By June 30 Lumbala had become a ghost town, with skeleton buildings. I fled on June 30 knowing that UNITA planned to take me with them to their base.¹¹²

Many acts of looting included violence. In Kalenga, a small town near Huambo, UNITA attacked in early November killing six soldiers, taking all the resident's clothes and food and a sixteen-year-old girl.¹¹³ When full-scale war resumed in December looting continued and towns like Vila Nova were cleared of any assets by UNITA and booby traps and landmines were left behind.¹¹⁴

¹¹²Human Rights Watch interview, Zambia, July 23, 1998.

¹¹³Human Rights Watch telephone interview with journalist Bram Posthumus, who interviewed the administrator, Amsterdam, January 5, 1999.

¹¹⁴*Jornal de Noticias* (Lisbon), January 21, 1999.

Indiscriminate Shelling

In response to a government military offensive against it in early December 1998, UNITA launched a counteroffensive. This resulted in the cities of Huambo, Kuito, and Malanje coming under indiscriminate shelling by UNITA. There is no sign that in any of these artillery barrages UNITA was just targeting military positions, but rather the shelling appeared intended to sow fear and demoralize in addition to closing the airports and the access they provided for relief aid. Civilian houses lost roofs, and one church was hit in these attacks. UNITA appears to have used 120mm artillery in these bombardments.

In December 1998 UNITA shelled Huambo sporadically till early January 1999, killing at least eight people. UNITA began shelling Huambo again in mid-June 1999, killing three civilians and forcing its airport to close for some days.¹¹⁵ In December 1998 UNITA also besieged Kuito and occupied three small towns, Cantão, Catama, and Chilonda from which the rebels bombarded Kuito with long-range artillery. UNITA artillery opened up on Kuito on December 8. The shelling became more intensive over Christmas, on December 24 and 25, and on December 26 a shell hit a Roman Catholic Church in the suburb of Cangoti, killing thirty-one people and injuring thirty-six who had been in the church seeking refuge.¹¹⁶ The twenty-three day shelling of Kuito ended on January 1 when government forces pushed UNITA out of Cantão, Catama, and Chilonda. By the time the siege had ended, 150 civilians were reported to have been killed and hundreds injured in Kuito, and the city had been cutoff from aid supplies, relying on government airdrops of medical and emergency supplies to keep going.¹¹⁷ UNITA resumed its shelling of Kuito in late March with an average of three shells a day being fired at Kuito.¹¹⁸ This halted aid flights to the besieged city, and food supplies in the city remain low.¹¹⁹

¹¹⁵Lusa (Macão), June 23, 1999.

¹¹⁶Lusa (Macão), December 26, 1998; Human Rights Watch telephone interview, Kuito, January 3, 1999.

¹¹⁷*Guardian* (London), February 25, 1999.

¹¹⁸United Nations Humanitarian Assistance Coordination Unit (UCAH), *Humanitarian*

Situation in Angola: Reporting period: 8 to 15 April 1999, p.1 at www.reliefweb.int, April 22, 1999.

¹¹⁹AP, March 26, 1999.

On January 4, 1999 UNITA started shelling Malanje and throughout February and March UNITA's shelling of the city intensified, with heavy shelling almost on a daily basis in March. This shelling initially appeared aimed to be at the city's heavily populated market places in an attempt to force civilians to flee.¹²⁰ On February 23 and 24 UNITA shelling of Malanje resulted in four people killed and eight wounded.¹²¹ The bishop of Malanje has reported that more than 1000 people have been killed and 700 injured in Malanje by the shelling. On one occasion in late March over a hundred shells landed in the city.¹²² Because of UNITA's siege, Malanje has suffered from a lack of food, with supplies only for 94,000 of the more than 200,000 people displaced by the fighting elsewhere who have swelled its population. The city had a population of 400,000 prior to the renewed fighting. After a government offensive, shelling of Malanje practically stopped for a period after April 9, but resumed again later in the month.

Reuters and BBC World Service journalist Lara Pawson visited Malanje in late April and was an eyewitness to the shelling. She described to Human Rights Watch what she saw:

The next morning [April 23] around 11 a.m. shelling started again, targeted at the northern suburb of Bairro Rotunda. Eleven or twelve shells were fired over the next forty minutes. After the shelling finished I went up to Rotunda with an Angolan journalist, Herculano. The first house we got to was completely flattened by one of these shells. As it was made of wood and mud brick, there was little left of it and I saw remains of a woman of forty. I'm told she was mother to eight children. A cousin of hers (twenty-five-year old man) was also killed by this shell - his right leg had been blown right off. In Rotunda as we walked around people kept popping their heads up from holes they had dug in the ground. People in Rotunda were so used to UNITA's shelling that they had become like rabbits digging out a rabbit warren of holes to try to protect themselves from the shells. We went to the hospital and found

¹²⁰Human Rights Watch telephone interview, Malanje, February 3, 1999; RAP International TV, Lisbon, in Portuguese 1830 get, January 6, 1999.

¹²¹Lusa (Macão), February 24, 1999.

¹²²Human Rights Watch interview with Lara Pawson, London, June 16, 1999.

twenty civilians badly injured by this shelling - most would not survive as there was no blood for them.

I tried to leave Malanje the next day but my departure was delayed because UNITA shelled a market place, killing a number of people. UNITA knows where the civilians are and targets them.¹²³

¹²³Ibid.

UNITA's shelling of Malanje has continued in July. Heavy shelling by UNITA on June 22 and 23 resulted in forty people killed and sixty wounded.¹²⁴ The residential districts of Maxinde and Kassala were targeted. According to Catholic priest Manuel Viana the shelling started at five in the afternoon on June 22 and was targeted at residential areas.¹²⁵ The catholic bishop of Malanje on June 24 urged the government and rebels to enter into dialogue to stop the shelling.¹²⁶ It seems that UNITA has made a effort not to damage the city's infrastructure, as residential suburbs appear to be the main target.

In northern Angola, the provincial capital Mbanza Congo fell to UNITA forces on January 26, although the government claimed it was recaptured in mid-February. Mbanza Congo contains a UNESCO World Heritage Monument, the 500-year old Church of São Salvador, which has reportedly been badly damaged by rebel shelling and bombing by the government's airforce.¹²⁷ There have been an undisclosed number of civilian casualties.

The killing and wounding of unarmed civilians through indiscriminate shelling is a breach of article 3 of the Geneva Conventions.

Killing of Government Officials

Government officials increasingly became a target for UNITA attacks in 1998. According to Amnesty International, at least forty people, including more than twenty unarmed police officers, were killed in May, with dozens of others injured or missing. These figures represented an alarming 50 percent increase since January 1998.¹²⁸

¹²⁴According to Jorge Sasassa, coordinator of the Committee of Solidarity with Malanje (CSAM), 600 patients were admitted to Malanje hospitals with wounds from shelling between June 20 and 25. Agence France Presse, June 29, 1999.

¹²⁵*Público* (Lisbon), June 24, 1999.

¹²⁶Agence France Presse, June 24, 1999

¹²⁷*Público* (Lisbon), February 13, 1999.

¹²⁸Amnesty International, "Public Statement: Angola: Hopes of reconciliation jeopardized as cycle of violence spirals," AI Index: AFR 12/06/98. June 1, 1998.

For example, UNITA attacked the villages of Tchicoco and Lussoloe on February 28, killing four policemen, three of whom were burned alive in their grass huts. On March 28, 1998 UNITA killed fourteen policemen in Base Porto, possibly as part of a campaign that resulted in approximately 200 known killings of police officers by UNITA forces, including one incident near Cuito Cuanavale in which eighteen officers were seized and executed. In July in Bié, three policemen “disappeared,” and UNITA warned that more would be targeted if they tried to educate people about the government.¹²⁹

¹²⁹Human Rights Watch interview, Luanda, August 27, 1998.

In December UNITA forces began the occupation of the towns of Camapuca, Catabola and Chiguar and reportedly killed numerous government officials and suspected government “collaborators,” in some cases by driving over them with tanks.¹³⁰

Killings of Traditional Chiefs

During the Lusaka peace process, *Sobas*, the traditional chiefs, began in some rural areas to play a more prominent role in community affairs as the government's military and UNITA loosened their grip. These gains were short-lived. By late 1997 sobas were once more under immense pressure to be compliant with UNITA's military. Any show of independence often resulted in punishment and even death. The U.N. reported having confirmed that at least twenty sobas were killed in a four month period in 1998. UNITA killed the soba of Caninguil on June 27 in a public execution in which fourteen men between the ages of twenty-five and twenty-seven were killed. Soba Albert Tome was killed on August 26 in Njimbo when UNITA forces kidnapped sixteen military-age males.¹³¹ UNITA forces killed the soba of Chimbili Luciano Cagnala on July 17. Sobas in Chimbaca, Yeyele, Cassoma, and Camaue also were killed, reportedly by UNITA forces, in the same period. The soba of Cota was killed on June 12, allegedly by the local UNITA military commander, Mulemba, who forced him to lie on the ground, beat him, and then shot him nine times. Five civilians were abducted following the execution; one of them escaped and reported that the killing was an act of revenge for the soba's disarming of local UNITA sympathizers in December 1997.¹³² The sobas of Poluesque, Kitumba, Samba Lucala, Lomaun, and Santa Teresa reportedly were abducted and killed between June and August.

In 1999 UNITA reportedly continues to target sobas. For example, in April UNITA troops reportedly killed a soba in the village of Gimba Filiji, thirteen

¹³⁰U.S. Department of State, “Angola,” *Country Report on Human Rights Practices for 1998*.

¹³¹Human Rights Watch interview, Luanda, August 26, 1998.

¹³²Domingos Fernando, José Hawango, Domingos Kubindame, Luís Bande were reported killed.

kilometers east of Kuito, for refusing to help draft local youths into UNITA ranks.¹³³

Lack of Freedom of Movement

Some 4,000 people remained trapped by UNITA in its former headquarters in Jamba in the south, where conditions were very bad, with food and medicine scarce. Although UNITA claimed it had invited the international community to evacuate them, in effect UNITA refused to allow civilians to move out of UNITA zones. There was increasing evidence during 1997 that UNITA was also using Jamba for military training and that illegal flights carrying weapons and other supplies were landing there. The Namibian authorities exacerbated the plight of Jamba civilians by keeping its border near Jamba closed, fearful that an open border would permit a mass exodus of Jamba residents onto Namibian soil. However, in December 1997 there were some signs of progress on the Jamba issue and several hundred people were handed over to International Organization for Migration (OIM) for repatriation to their home areas.

Freedom of movement remained rare. Free circulation of people and goods continued to be restricted through the maintenance of illegal checkpoints and the escalation of acts of banditry in various areas of the country.

As a result of delays in implementing the peace process and insecurity, some 300,000 Angolan refugees in neighboring countries were not repatriated, although several thousand returned to Angola independently. An estimated million or more people displaced inside Angola were also unable or unwilling to return to their homes, particularly in rural areas, because of insecurity although the U.N. estimates that a further 1 million internally displaced people had returned home since the Lusaka Protocol.

Cazombo Case Study

¹³³Lusa (Macão), April 21, 1999.

The experience of Cazombo illustrates the way in which U.N. and NGO assistance can bring about improvements in respect for human rights. In Cazombo people were fatigued of conflict, many had returned from exile as refugees, and there was an abundance of energy to rebuild their lives and community. In 1998 there were some positive signs that even UNITA officials saw this and were beginning to relax their control.¹³⁴

Cazombo is in eastern Moxico province near the Zambian border. UNITA had mined all the incoming roads and blown up the bridges over nearby rivers making the town completely isolated. After the Lusaka Accords, UNHCR established a program in the town to encourage the return of refugees who had fled to Zambia. The road to Zambia was demined, the municipal hospital and several schools rehabilitated, and Lutheran World Federation and the Jesuit Refugee Service set up joint programs. As a result the town doubled in population and a lively trade in fish and game meat developed with Zambia.

In February 1998 the Angolan government extended its control to Cazombo town under the terms of the peace process, but the government never attempted to administer the rest of the district. The municipal administrator left in March, and the teachers and nurses and newly installed national police went unpaid. The town de-facto reverted to UNITA control. The vice-administrator, Romeu Canhamba, who had been de-facto administering the town for UNITA for the last twenty years took over. An initial stand-off with the Angola National Police was resolved when they peacefully agreed to hand over their guns to the U.N. for safekeeping. Even so, they surrounded their premises with landmines.

By May, the only sign that Cazombo was under government control was inside the administrator's office, where a portrait of President dos Santos hung next to the one of Jonas Savimbi. The only national flag in Cazombo was kept in the same office out of sight, while on the streets UNITA symbols, flags and murals with UNITA pronouncements were everywhere. The police kept to their police station and UNITA in effect continued to administer the town, taxing trade in money or in kind. Young people were sent for UNITA military training and UNITA was in firm control. The police on arrival had distributed some T-shirts with "Republica Popular de Moxico" written on them: those who wore them were immediately punished by UNITA - made to porter military supplies.

The February to May period was, however, seen by many residents as a time of liberalization and greater tolerance, although freedom of expression remained a

¹³⁴Human Rights Watch interviews in Zambia in July and Luanda in August with additional telephone interviews in Zambia in December 1998.

dead letter. A number of people interviewed by Human Rights Watch attested to a decline in authoritarian demands upon them by UNITA's military which they attributed to the presence of outside witnesses and strong popular support for liberalization.

This period was short-lived. The ANP received reports of a UNITA attack on Luau and decided to flee Cazombo on June 14. On June 22 violence erupted: UNITA militants encouraged the looting of the Lutheran World Federation warehouse and the home of the agency's coordinator was burnt down. In this looting a lot of cooking oil was stolen which was trucked by UNITA's military commander to Solwezi in Zambia on two trips and sold in the markets there.¹³⁵ Shortly afterwards the U.N. withdrew its Cazombo team. In this period many people fled to the bush and a number decided to go to Zambia. One woman said she fled because she had registered her name with the police for permission to flee with her family to Luanda. She had heard that UNITA would kill all people whose names were on the register, which the police had left behind when they fled. Another person felt at risk and fled to Zambia because she had been a cleaner for the police.

In early July UNITA's military became more aggressive, demanding more people for training and confiscating possessions such as bicycles, causing more people to flee. However, the UNITA administrator bravely criticized the military and called people to return. In late July the administrator declared Cazombo town a peace zone and was assisted by Jesuit Refugee Service (JRS) in keeping the hospital and schools running; the UNITA military just ignored him, continuing to prey upon a ready pool of recruits for their labor demands.

A government Su-23 dropped one bomb outside the town in early November intended to make the population disperse. It achieved its objective, as people fled to Zambia once again. In early December UNITA's military looted what was left and Cazombo again became a ghost town.

¹³⁵Human Rights Watch saw the cooking oil for sale in Solwezi main market in July 1998.

VII. ABUSES COMMITTED BY THE GOVERNMENT

Arbitrary Killings

In 1998 a pattern developed of heavy-handed action by government forces in areas that were recently restored to state administration. Although some of this abuse was committed by poorly and irregularly paid rogue elements of the security forces, a number of attacks appeared to have been carried out under superior orders. The government failed to take any effective action to punish abuses, especially in areas that had newly come under their control. Senior officials of the government told the Joint Commission (the peace monitoring body set up under the Lusaka Protocol) that their security forces were incapable of conducting counterinsurgency operations without committing human rights abuses.¹³⁶

The government's security forces often behaved like an occupying army in areas of the country that previously had been under UNITA control. UNITA alleged that its party officials and structures were expelled from 212 of the 272 sites that it allowed to revert to state administration. Although UNITA unilaterally abandoned a number of these sites, sometimes in advance of attacks on government positions, UNITA party structures were harassed and driven out of approximately thirty localities. UNITA provided Human Rights Watch with a dossier of names of people it alleged had been killed, tortured, or "disappeared" at the hands of government officials between April 1997 and June 1998.¹³⁷ According to this dossier 263 UNITA officials or supporters were killed by the government and 633 officials or supporters were tortured or imprisoned in this period. Human Rights Watch was unable to corroborate any of the cases in the dossier. However, our own field investigations confirmed that UNITA officials were killed out of combat, tortured, abducted, or harassed across the country in 1998.

¹³⁶Diplomatic sources, Luanda, August 1998.

¹³⁷"Protocolo de Lusaka: Extensão da Administração do Estado Abril 1997-Junho 1998. Balanço."

Three UNITA members were shot and killed in Ndalatando on August 27 after being abducted during the night by men in FAA uniforms.¹³⁸ The FAA in Lombe detained UNITA secretary Jaime Zefimo and his wife on August 7; he was never seen again although FAA officials said he had “escaped.” He is thought to have been killed.

¹³⁸Human Rights Watch interview with eyewitness, Luanda, August 31, 1998.

On July 26 in the Luanda neighborhood of Kampão, masked policemen took several young men from their homes. The police shot and killed five of the men. The others were taken away in a government truck and executed at a later time, according to local sources.¹³⁹ In July the government allegedly killed ten former UNITA soldiers who had been inducted into the FAA in their Luanda barracks.¹⁴⁰

There are credible reports that some suspected UNITA sympathizers were executed during forced recruitment campaigns during the year.¹⁴¹ A UNITA municipal secretary and over twelve other UNITA officials were reportedly executed publicly in April. According to local sources on April 21 in Albuquerque, ANP officers tortured to death a UNITA member accused of keeping illegal weapons. On the same day, military personnel killed a pregnant woman and her son in Kafifi Kimbu. On April 27, the UNITA provincial secretary in Xa-Cassau was detained, tortured, and killed. Police officers detained and beat to death a UNITA supporter in Ussoque on April 3 on suspicion of keeping illegal arms. Police officers shot and killed a civilian on May 21 in Mbaya and tortured to death a demobilized UNITA soldier in Quimbele on May 27. A policeman stabbed to death a demobilized UNITA soldier in Negage on June 7. Police officers killed the UNITA communal secretary of Quibaxe on June 9. Police officers tortured and killed a UNITA member in Ngola Luigi on March 2. The police killed the local UNITA secretary of Cangundu on March 9. None of the above reported incidents were investigated by the government, nor was action taken against the persons alleged responsible.¹⁴²

¹³⁹Human Rights Watch interviews with eyewitnesses, Luanda, August 26, 1998.

¹⁴⁰Human Rights Watch interviews, Luanda, August 26, 1998.

¹⁴¹Following examples obtained through interviews in Luanda, August 22-27, 1998.

¹⁴²A government investigation into the 1997 death of ten UNITA members in police custody in Malanje on November 11, 1997 concluded no one was at fault. The inquiry, headed by an Inspector General of the Ministry of Interior, was held in early December

Human Rights Watch investigated in depth one particular incident at Kikolo, Luanda, where police claimed they were conducting a “normal” police operation against bandits in an area where many UNITA sympathizers lived. According to police four people were killed in an operation against criminals: but Human Rights Watch confirmed that at least seven deaths and a number of “disappearances” had occurred in an operation targeting UNITA sympathizers.¹⁴³ André Mpassi explained that:

At around four in the morning outside my house two police vehicles stopped. They banged on my door and that of my neighbor João, a UNITA sympathizer, and asked my name. I told them I was André Mpassi, and they said they were looking for me.

They said I and Mutombo André were the nucleus [leaders] around here. I said I knew Mutombo André but we had never formed any nucleus. I said I had worked with Mutombo in 1992 but I was no longer with UNITA. They asked me about my private life and I replied that these days I had dedicated myself to religion. I was working with Pastor Aleluia.

After these questions we were put in the vehicles where we went to Bairro Compão where they killed seven people on their list in my presence. João and I were then taken to Cacuaco where we were beaten and interrogated about where Mutombo works, and who were his relatives.

1997. It was not independent and in this and other ways did not conform to minimum international standards for such investigations. The report claimed the ten men died as a result of a fight in the cell in which they were held. The report failed to give essential details on the conditions of the cell, the circumstances of death, or even injuries sustained or causes of death.

¹⁴³ *Agora* (Luanda), August 1, 1998.

The head of those holding us told us that in 1992 they killed innocent people, but this time they were careful targeting the most dangerous. We want to finish with them, because in the provinces they are causing us problems. I was then told to write a declaration saying that I used to work for UNITA but no longer and that I must gather information for them on how UNITA operates.

On July 28 at three p.m. three police, came to my house and asked me for a CV to be given to them on July 29, but not at my house, at the Catholic Church at 1600.¹⁴⁴

Mutombo André is fifty years old and a resident of Kikolo. He is also a UNITA supporter. He told Human Rights Watch that:

¹⁴⁴Human Rights Watch interview, August 27, 1998.

Around five a.m. two cars with the police came to my house looking for me. I was not there but my son Francisco João André was, also known as Mutombo André. They then took him away, saying to those witnessing it that, "the son of a snake is also a snake." I have not seen him since and worry about his safety. The next day the police came back early in the morning looking for me. They didn't find me, so they smashed the doors and burnt my house down. I've been in hiding ever since.¹⁴⁵

Assault and Harassment of UNITA Supporters

A Human Rights Watch researcher was also a witness on August 20, 1998 to the assault of a young man by a FAA soldier and Angola National Police (ANP) officer who claimed he was a UNITA spy. This incident occurred near Caxito in a camp for internally displaced from Piri. A crowd of people had developed and people were calling for the man to be killed. The FAA soldier was boasting that he had caught the man, who he called a UNITA spy. When Human Rights Watch attempted to get access to the detained man, who could be heard being beaten inside the building, we were refused access and our researcher was threatened with death at gun point by the policeman, who cocked his AK-47 ready to fire. Our researcher and an Angolan NGO colleague then withdrew for their own safety and returned several hours later to the same place, only to find that the man had been taken away to an undisclosed location. The fate of this man has never been established.

From September 2, when Jorge Valentim and other UNITA members who had served in the government of national unity announced a split with Savimbi, UNITA officials came under additional harassment. After Valentim launched in Luanda a party called the Renovation Committee of UNITA the government stated that it would only negotiate with this "new" UNITA and urged others to do the same. The state media was also required to refer only to UNITA- Renovada, while Savimbi's UNITA was to be identified in reports as 'Armed bandits' or the 'forces of the criminal Savimbi.'

In the run-up to the launch of UNITA-Renovada a number of senior UNITA officials and deputies received death threats they attributed to the government. On the night of Renovada's launch a well-armed contingent of police first surrounded and took over UNITA's headquarters in São Paulo, Luanda on the night of September 2, preventing UNITA officials and their deputies from entering the building the next day. The highest ranking UNITA officials in Luanda at the time,

¹⁴⁵Ibid.

Deputy Secretary General Martires Correia Victor, and Marcolino Nhany, the secretary for organization, were refused entry and found their homes targeted by government police later in the day.¹⁴⁶

The police warned that they would “take measures against those who did not belong to the renewal committee.” Police raided a number of homes, seized cars and deactivated the cellular phones of a number of UNITA officials.

UNITA's representative to the Joint Commission, Isaias Samakuva, began to receive anonymous death threats in late August and was also advised by friends in the Angolan government that he had to leave the country. He suspected something was brewing and left the country on September 1. He told Human Rights Watch:

¹⁴⁶Human Rights Watch telephone interview with UNITA deputies, Luanda, September 1998.

I decided to use my own way to leave the country and was helped through the airport so that the authorities could not stop me, as a colleague had been told that his papers were not valid for travel a few days before. I knew the government was planning a new UNITA and I was under pressure to join this, although until it was announced I did not know who exactly was involved. That's why I ended up here in Paris. My life was no longer safe in Luanda unless I joined Renovada.¹⁴⁷

On October 12, UNITA deputy Joaquim Paulo Somakesenje was arrested at 5 a.m. at his hotel in Luanda by police who claimed they were investigating the shooting incident in which UNITA deputy Abel Chivukuvuku's car had several shots fired at it on October 2. On October 7 police had arrested another UNITA deputy, Sabino Sakutala, in connection with the shooting. Both men were later released, but were warned not to comment about their detention.

Arrests After the Resumption of All-Out War

On January 9, 1999 two UNITA deputies, Carlos Alberto Calitas and Daniel José Domingos were arrested by police. This was followed on January 13 when three more, João Vicente Vihemba, Manuel Savihemba, and Carlos Tiago Candanda were also picked up.

¹⁴⁷Human Rights Watch interview, Paris, October 31, 1998.

They were arrested with no major display of force, and with an official “mandato de captura” (warrant) signed in accordance with the law. Although the deputies have been allowed to see family members, access to their lawyer was limited. On February 2, 1999 the National Assembly lifted the deputies' immunity and they were told they were being held under the provisions in the penal code for those who pose a threat to state security.¹⁴⁸ Police superintendent Francisco Pestana said there was “suspicious signs of complicity in terrorist attacks against defenseless people in the townships of Kuito, Huambo and Malanje, under the command of the criminal, Jonas Savimbi.”¹⁴⁹

Human Rights Watch is monitoring this trial, which appears to be following a special procedure not established by law. A Supreme Court judge is reportedly involved in the investigative stage of this proceeding, normally the Police's criminal investigation bureau is involved.

Human Rights Watch is also concerned about the health of four of the deputies. Vihemba, Candanda, Carlitas, and Savihemba reportedly all have medical conditions that need treatment; and have worsened due to poor prison conditions. On June 28 the wife of Daniel José Domingos appealed to the press for assistance for her husband, who she claimed was “seriously ill and without assistance might die.”¹⁵⁰ Vihemba reportedly suffers from a prostate problem that has deteriorated so that he can no longer urinate without internal pain. He is reportedly in need of an operation but this could only be done outside Angola.

The case of the five UNITA deputies has dragged on. On May 21 Manuel Savihemba was released, but the other four remain in detention. Speaker of the National Assembly Roberto de Almeida justified their detention by saying they are in “preventive detention” and that Angolan law they could be held for an initial period of ninety days followed by an additional 180 to provide time for a case to be brought against them. If a trial does not begin they would be free in July.¹⁵¹ But in August they were still in detention. In May the charge against them was changed from “high treason” to “rebellion,” and the case was referred to the criminal court

¹⁴⁸Rádio Nacional de Angola, Luanda, in Portuguese, 1720 gmt, February 2, 1999.

¹⁴⁹Angop news agency, January 14, 1999.

¹⁵⁰*Público* (Lisbon), June 29, 1999.

¹⁵¹Roberto de Almeida to British-Angola Forum, London, May 20, 1999.

which is presided over by Gabriel Lundungo.¹⁵² On June 18 Attorney General Domingos Culolo announced that the four may soon stand trial.¹⁵³ To date no evidence has yet been produced to justify their continued detention.

The lawyer of the five deputies, Dr André Milton Kilandamko, has also been harassed by the Security Police for talking to Radio France International on February 4.

¹⁵²*Folha 8* (Luanda), May 22, 1999.

¹⁵³*Lusa* (Macão), June 18, 1999.

Human Rights Watch interviewed a number of deputies and workers from Angola's opposition parties apart from UNITA who described government interference. Eduardo Kuangana president of the Social Renovation Party (PRS), reported that his activities and that of his party were closely monitored by the authorities because he had his own independent funding base and a strong regional constituency in the Lunda provinces. The PRS is strong in the Lundas and benefits from supporters with links to diamond mining. He told Human Rights Watch that his delegate was forced to close the party office in Uige, while his delegate in Malanje, João Daniel, was detained on July 23, 1998 for trying to recruit supporters. He said that in Moxico the government ordered his representative beaten in March. Local authorities in Huambo confiscated all his party's manifestos and party flags when they tried to hold a rally there in March 1998.¹⁵⁴

The PRS, PLD, and FNLA walked out of the National Assembly with UNITA's deputies on March 26, 1998 in protest at the cutting of live television and radio broadcasts of parliamentary debates. Soon afterwards the deputies of these parties began to be harassed by government officials in the context of a campaign of stories critical of them in the independent media which they blame the government for. Mfulumpinga Nlandu Víctor, the president of PDP-ANA, who had in 1991-1992 been close to UNITA, also reported that his members came under immense government pressure in May not to support UNITA's protest. "One has to be careful," he told Human Rights Watch.¹⁵⁵

The government of Luanda on July 12 turned down an application from opposition parties not represented in parliament to stage a demonstration against the war on July 13.¹⁵⁶

Forced Recruitment

Between June and August 1998, the government conscripted males aged fifteen to thirty-four for combat. Extra soldiers were sent to remote areas and unemployed teenagers rounded up and sent for military training. Human Rights Watch interviewed eyewitnesses and people who had been grabbed for conscription during this period in Luena, Luanda, Huambo, Kuito, and Negage. Mid-to-late July was the period of greatest intensity.

On July 11 according to local sources fifty young men were picked up at Rocha Pinto by police, who lined up those that looked too young on the left and loaded the others, apart from those who paid a bribe to be exempted, into two

¹⁵⁴Human Rights Watch interview, Luanda, August 27, 1998.

¹⁵⁵Human Rights Watch interview, Luanda, August 29, 1998.

¹⁵⁶This was according to clause no.3 of article 4 of Law No.16 of May 11, 1991 according to Angolan Television, 1930 gmt, July 12, 1999.

lorries. On July 10-12, Asa Branca, Roque, Escuanza, Golf, and Palanca were also targeted for roundups.

JZ, a street trader in Luanda, described the grabbing of young men there in July.

This was a difficult period for me. I couldn't do business because of *rusgas* [conscription]. They were targeting young men and putting them in trucks and then taking them to the airport and flying them to other provinces so they couldn't escape. I saw some ten *rusgas* in July; some of my friends were grabbed. Escuanza was very bad, especially by the market. They would appear quickly and grab you - you had to watch out. They don't do it in town, because people will complain. They want those who have no voice.¹⁵⁷

This was the same pattern in Huambo and Luena. At a training camp in Bié province several recruits were reportedly beaten in July and told they would be shot if they tried to escape.¹⁵⁸ Also in July, students, some as young as fourteen, were rounded up outside their school in Caxito, Bengo province for recruitment. A number were reportedly released after paying bribes.¹⁵⁹

The pattern of forced recruitment indicated a policy of preying on poor communities and unemployed young men. Those who could prove that they had jobs usually were released, and those with financial means could buy their way out of the military. Such recruitment drives were carried out in contravention of the law of military service. The military and police issued a joint statement in the national newspaper *Jornal de Angola* denying that there had ever been any conscription drive, and said the 1998 roundups were mass arrests of petty criminals.¹⁶⁰

¹⁵⁷Human Rights Watch interview, Luanda, August 27, 1998.

¹⁵⁸*Folha 8* (Luanda), July 24, 1998.

¹⁵⁹Human Rights Watch interview, Caxito, August 1998.

¹⁶⁰*Jornal de Angola* (Luanda), August 1, 1998.

In November 1998 parliament approved a resolution for the registration of young men approaching military age, and in January 1999 the government started a campaign of mass conscription. The government-run media carried an official statement that: "All Angolan men born between 1 January 1979 and 31 December 1981 must register at municipal military posts from 18 January to 26 February."¹⁶¹ Men in this age group had already been warned not to leave Angola. The statement said noncompliance with registration would be punished under Angolan law, with all those in the age group specified without a registration slip facing immediate arrest for dodging the draft.¹⁶² From April 14 to April 30 the Angolan Armed Forces began to formally enlist new draftees for the first time since 1991.¹⁶³ On April 24, four youngsters were reportedly shot dead by an army noncommissioned officer on April 23 for refusing to be conscripted. The victims had reportedly tried to run away from the barracks where they were scheduled to begin military training. A military source described the officer Gaspar Francisco as "overzealous."¹⁶⁴

U.N. officials complained in May 1999 that a faltering conscription drive inside Angola, with only a 20 percent success rate, had resulted in the Angolan authorities to press-gang refugees into their war effort. Angolan forces also reportedly crossed the border into the Democratic Republic of Congo and rounded up for military service some of the thousands of Angolans who fled there to seek shelter. In southwestern Congo they reportedly press-ganged refugees around Matadi and Songololo.¹⁶⁵ In July for several days National Police backed by soldiers entered a number of Luanda's wards, indiscriminately hunting youths for conscription in a manner that contravened the Military Service Law which provides for the registration and drafting of recruits.¹⁶⁶

Violations of the Laws of War

There have been a steady number of reports received by Human Rights Watch of government troops violating the laws of war. For example, government aircraft bombed UNITA-held towns in late 1998 and 1999, which resulted in civilian casualties, although Human Rights Watch has been unable to confirm whether they

¹⁶¹*Jornal de Angola* (Luanda), January 16, 1999. The registration exercise was extended to March 13, 1999 on February 25.

¹⁶²The government hoped to recruit 28,000 young men by this draft. *Economist* (London), April 24, 1999.

¹⁶³Lusa (Macão), April 14, 1999.

¹⁶⁴Lusa (Macão), April 24, 1999. The victims were Francisco António, Amadeu José, Pereira Santos, and Costa Pedroso.

¹⁶⁵Reuters, May 21, 1999.

¹⁶⁶Luanda sources and *Agora* (Luanda), July 12, 1999.

were indiscriminate. The government admitted its forces had been indiscriminate in their aerial bombing of Mbanza Congo in February 1999.¹⁶⁷ Prisoners have also not been treated with respect. On December 16, 1998 prisoners were reportedly paraded through Kuito in army vehicles as bystanders called on soldiers to cut their throats. Parading prisoners constitutes humiliating and degrading treatment under Common Article 3 of the Geneva Conventions. The ICRC's attempts to gain access to new prisoners in this conflict had by July 1999 shown little progress. Negotiations continue.¹⁶⁸

¹⁶⁷*Público* (Lisbon), February 13, 1999.

¹⁶⁸"Update No.99/03 on ICRC activities in Angola," June 22, 1999.

Government troops have reportedly executed civilians that stayed behind after UNITA ended its occupation of Mbanza Congo. In February 1999 after the government retook the city from UNITA, government forces were reportedly responsible for the killing of several civilians who had stayed behind. In one case a man without legs was reportedly shot a number times for “failing to run away” when UNITA withdrew.¹⁶⁹

Pillage

The government's inability or unwillingness to pay the majority of its army and police personnel resulted in widespread extortion and theft. Government personnel frequently confiscated food, including donated relief supplies, livestock, and personal property, often after forcibly depopulating areas and robbing the displaced persons. The villages of Luaquisse, Saifula, and Tchiongo were reportedly razed on June 4 and 5, 1998 by police from Mutumbo and Mumbue in Bie province.¹⁷⁰ A UNITA report also mentioned attacks by government troops on June 13 on villages on the right bank of the Chissolonga river, Bie province, during which women were raped and houses pillaged and crops burned.¹⁷¹

Human Rights Watch interviewed some of the people who had fled fighting from Piri in Cuanza Norte province who described being victimized by UNITA and government forces in turn. Venâncio Simão described two attacks by UNITA on June 14 and 16 after the local police had tried to disarm them. The government's military then responded. He said:

UNITA's elements caused us worry, but we really had to leave when the military went in. They looted all our possessions. They even took the roofs away and they caused lots of confusion. We will only go back when they and UNITA leave us alone.¹⁷²

Human Rights Watch interviewed a number of soldiers who had operated in Piri against UNITA. JB, a captain in the FAA, had been a part of the operations in Piri:

¹⁶⁹Information provided by Lara Pawson, June 16, 1999.

¹⁷⁰Human Rights Watch interview, Luanda, August 25, 1998.

¹⁷¹Human Rights Watch interview with UNITA, Luanda, August 27, 1998.

¹⁷²Human Rights Watch interview, Caxito, August 20, 1998.

We don't get paid. I haven't been able to go home for seven years. We loot. It's the only way we live. We have no choice but we have limits. The problems of Piri were not us. The worst was the unit of commandos sent in there. Those guys are fed and paid and they looted and raped. I don't know why they did that - we have good reasons to do that - no pay and empty stomachs - but they claim they are professionals. They are a shame to us all.¹⁷³

Relief efforts in Kuito after UNITA's siege was lifted were hampered by looting when the aid workers withdrew: government troops looted the World Food Program warehouses and the warehouses of the United Nations Children's Fund (UNICEF) and Handicap International. The looters carted away filing cabinets from the offices of Medecins Sans Frontieres containing health data.¹⁷⁴ The U.S. charity CARE's warehouse was also looted in this three-day looting frenzy by government troops in mid-December with only the metal frames of the canvas structures left. CARE has reported that twenty-five cars and motorcycles and seven four-wheel-drive vehicles were stripped for spare parts, while government troops looted agricultural and carpentry tool kits; seeds, building materials, wheelbarrows, and medical equipment; the furnishings of CARE's Menongue office, that was stored in Kuito; and 200 tons of food. The soldiers opened fire on civilians who tried to join in the looting, who then looted a number of NGO residences.¹⁷⁵

Of CARE's three Caspirs, South African-made anti-landmine vehicles, each worth \$200,000, one was vandalized on the spot, another lies in a ditch on the road to the battlefield and the third was used to round up Kuito's youth for conscription into the army. While cruising through town it crashed into a four-wheel-drive vehicle the military had confiscated from Handicap International - four people died. This Caspir was returned to CARE by the FAA in January, which blamed UNITA for its theft.

Human Rights Watch has also interviewed an eyewitness who described the stripping of crops from fields by government troops near Uige city in March 1999,

¹⁷³Ibid.

¹⁷⁴*Guardian* (London), February 25, 1999.

¹⁷⁵*Weekly Mail & Guardian* (Johannesburg), February 26, 1999.

and a man who said he was shot in the legs for not immediately offering his possessions to hungry soldiers.¹⁷⁶

Government Propaganda and Human Rights Abuses

¹⁷⁶Human Rights Watch interview, London, April 12, 1999.

In July and August the government media reported a spate of human rights abuses which it blamed on UNITA while greatly exaggerating the numbers killed.¹⁷⁷ The state media also constantly reported UNITA troop movements and incidents involving UNITA and printed pictures of aggressive UNITA troops armed to the teeth.

The most dramatic incident the government media held to involve UNITA was at Mina Bula, Lunda Norte province, where at least 105 persons were killed in an attack on July 21. MONUA confirmed that the attack took place but said it had insufficient evidence to assign responsibility, although survivors interviewed by state-run media said that the attackers were UNITA members and that they had killed 250 people. The state-media also reported falsely that MONUA had concluded that UNITA was responsible.¹⁷⁸ Many of the victims were Congolese migrant workers who came to the country to work in the diamond fields. Human Rights Watch interviewed a number of people who were in the area at the time of the massacre and also concluded from these accounts that there was insufficient evidence to assign responsibility. But the Angolan government also named July 28 as a National Day of Struggle “perpetrated by the illegal forces of UNITA” in memory of the Mina Bula massacre at which all flags needed to be flown at half mast.¹⁷⁹

This was followed by a report in *Jornal de Angola* on August 7 that UNITA had killed 150 in Cambo Sungingu. Investigations of this incident revealed that UNITA troops had in fact attacked in FAA uniforms in the early hours of the morning, killing eight ANP officers and nine FAA soldiers before the FAA forces withdrew. UNITA then killed six mulattos or white traders; Isidrio Jesus Leitão, Candida Leitão, and Luis Rocha inside a house and Fernando da Silva Morais and Agostinho Bernardo Afonso outside. There were twenty-three dead in the incident, rather than the government's figure of 150 dead.

¹⁷⁷Good examples of this are *Jornal de Angola* (Luanda), May 17; July 25; July 26; August 11, 1998.

¹⁷⁸*Jornal de Angola* (Luanda), July 25, 1998; MONUA “Special Report on the Attack on Mina Bula in Luremo Commune (Lunda Norte) on 21 July 1998.”

¹⁷⁹By nos 1 and 3 of Article 114 of the Constitution. See, *Jornal de Angola* (Luanda), July 28, 1998.

A further massacre was reported on August 11 at Kunda-dya-Base, in which the government claimed UNITA was again responsible for 150 dead. In fact this was the same incident as Cambo Sungingu reported on August 7, but provided the reader with the impression of a further massacre.¹⁸⁰

The government has persisted in its strategy of manipulating the reporting of UNITA human rights abuses, even as those abuses have been of a severity needing no exaggeration to merit concern and outrage. For example when the C-130 U.N. aircraft was shot down on January 2, 1999 the government claimed that UNITA was holding hostage seven survivors. When the U.N. search team reached the crash site later, however, it concluded that all the passengers and crew had been killed in the crash. Both the government and UNITA had also been unhelpful in assisting a rescue effort reach the wreckage. Whoever was responsible for shooting down the aircraft attempted to cover the crashed wreckage of both planes with foliage, and had taken the cockpit voice and flight data recorders away in an effort to make it difficult to determine who shot down the plane.

¹⁸⁰*Jornal de Angola*, (Luanda), August 11, 1998.

VIII. THE MEDIA¹⁸¹

The Angolan press has been tightly controlled by law and by government and opposition intimidation. Angola's press laws allow for no private television stations or short-wave radio stations and also prohibits direct rebroadcasting of other broadcasts. During the Lusaka peace process there was a limited opening up of the media, particularly in Luanda. With the return to war, however, these meaningful gains are once again threatened by censorship and intimidation. Attacks against the rights to freedom of expression and association have undermined the defense of other rights. They also delayed peace and reconciliation by obstructing access to accurate information and the airing of different points of view about what was happening in Angola.

During the Lusaka peace process the media, like the NGO community, saw an expansion of freedoms. The media—especially radio—is powerful in Angola and Angolans must be some of the most avid radio program listeners in the world (approximately 80 per cent of the 11 million inhabitants listen to radio) The Lusaka Protocol guaranteed freedom of speech and the press and the government likes to boast about its press freedoms: President dos Santos told Human Rights Watch in December 1995 that in Angola “there is more freedom of the press than anywhere.”¹⁸² Angolan Minister of Information Pedro Hendrik Vaal Neto said in the *International Herald Tribune* in June 1995 that, “there are now 40 newspapers, 24 magazines and 18 bulletins and four private radio stations registered in the country. There are also more than 1,000 satellite antennas in the country receiving international broadcasts, including CNN. Views and opinions on the widest range of issues of local and national interest receive coverage,” the minister said. He added, “that responsible journalism is essential to the health of a democratic society. The government is aware of the deficiencies in the professional education and training of

¹⁸¹For a more detailed discussion see, “Angola: Between War and Peace,” *A Human Rights Watch Report*, February 1996, vol.8, no.1 (A), pp.21-26; Rafael Marques, “Angola: Rewards for the unworthy,” *Index on Censorship*, vol. 25, no.5, September/October 1996, pp.181-186.

¹⁸²President dos Santos reply to Human Rights Watch question, Center for Strategic and International Studies Seminar, Washington D.C., December 8, 1995.

many Angolan journalists and is actively pursuing measures to rectify the situation.”¹⁸³

¹⁸³*International Herald Tribune* (New York), June 16, 1995.

During the Lusaka peace process journalists continued to be targeted for repression by the government. In March 1996, Pires Ferreira, the sports editor at the government-run *Jornal de Angola* was fired after filing stories in a different newsletter about government abuse of power in his own paper. In June, the news program on government television, "Opinião" was terminated by the government for being too "controversial" after a feature on freedom of expression. Journalists in the provinces were also intimidated. João Borges the correspondent for ANGOP, the Angolan news agency in Bie province, was fired after the governor there, Paulino dos Santos, blamed him for publishing an anonymous letter in a weekly newsletter about the governor's abuses of power. Rafael Marques, a journalist from *Jornal de Angola*, was banned from his newspaper when he returned from study leave abroad in October 1996 because he had previously organized a strike and had published in Europe a series of articles about the lack of a free press in Angola.¹⁸⁴

Several journalists were killed in suspicious circumstances. The best known case was the killing on 18 January, 1995 of Ricardo de Mello, the director of the semi-independent newsletter *Imparcial Fax*. He was assassinated outside his home in central Luanda by an unidentified gunman. It was a professional killing: his assailant shot him with one shot through the heart, probably with an AK-47 with a silencer attached to it.

António Casimiro, Cabinda correspondent of Televisão Popular de Angola was murdered at his home on October 30, 1996.¹⁸⁵ Dom Paulino Madeka, the bishop of Cabinda, said the killers were police officers led by a civilian; the authorities blamed Cabindan separatists. Two inquiries were opened into the killing but their findings have not been published.

Press Censorship

In 1997, during the swearing in of the government of national unity in April, President José Eduardo dos Santos called for "greater transparency and freedom" in the media. In practice this has not happened. For example, the then governor of Huila province, Kundy Paihama, prevented the sale of the private newspapers *Agora*, *Folha 8*, and *Comércio Actualidade*, all considered critical of the government. The local independent radio station in Lubango, Rádio 2000, was prevented by the authorities in April from retransmitting Voice of America

¹⁸⁴Human Rights Watch interview with Rafael Marques, Luanda, August 1998.

¹⁸⁵Afonso Justino Waco, "Quem Matou O Jornalista António Casimiro?," unpublished manuscript, dated May 1999.

programs, while in November 1997 the governor's office in Malanje province banned all freelance activity by VOA stringer Isaias Soares. Soares had already been suspended from his job as a reporter on the local radio station and docked two months pay before the unexplained further ban. Soares had filed a number of stories on the radio station critical of the governor's office and its failure to help local communities recover from the war.

The independent Luanda Antena Comercial (LAC) radio station in Luanda in 1996 tried to broadcast a Friday program called "Messages for the Head." The station asked listeners to call in and tell President Dos Santos what they would like to see happen in the county. The government let LAC's management know it was not pleased with the program and it was suspended. The management changed the program's title to, "Complaints Telephone," and on Mondays and Fridays, listeners were encouraged to phone in and air their complaints. The program continues to broadcast, but if the topic is too politically sensitive the caller is often cut off.¹⁸⁶ In March 1998 the government also terminated live coverage of National Assembly debates, saying it was too expensive, but also halting the publicity given to parliamentary challenges from the opposition.

The government-controlled media is given "political direction" by a National Media Council made up of ministry officials from the Ministry of Social Communication and the director-generals and editors-in-chief of all the state media. It was created in 1992 "to safeguard press freedom." But it is largely inactive and lacks the power or inclination to take action or make concrete recommendations. José Gomes, vice-president of the council, admitted in public in January 1998 that:

The Council is learning and growing with the work itself. What is needed is to confer it with effective authority, and the council itself needs to reformulate its methods, its follow-up strategy of the media and its performance, so that it corresponds to the challenges which are imposed by the process of democratization, pacification, reconciliation and the development of our country.¹⁸⁷

¹⁸⁶Human Rights Watch confirmed this in Luanda on August 22, 1998 when listening to "Complaints Telephone," who complained about the burning down of property belonging to suspected UNITA supporters.

¹⁸⁷*Post* (Lusaka), February 13, 1999.

Radio remains the most important medium of communication in Angola. Life in villages both in government and UNITA controlled zones come to a stand-still when important radio broadcasts are made. The key to communicating with the rural population is programming in their vernacular languages.¹⁸⁸

The most powerful state-controlled media source is Rádio Nacional de Angola, the only national radio station, with forty-nine stations nationwide.¹⁸⁹ The only four privately-owned radio stations are Luanda Antena Comercial (LAC), Rádio Cabinda Comercial, and Rádio Morena, and Rádio 2000 in Lubango. Rádio Morena broadcasts only in Benguela, while LAC broadcasts within Luanda. Although these are technically independent their programs avoid directly criticizing the government. They were set up just before the 1992 elections with discreet financial support from sources within the ruling MPLA in order to assist it during the election campaign.¹⁹⁰ The only critical noises in their programs come from people interviewed in the streets. If the population is becoming too critical, they temporarily suspend broadcasting the programs in question.¹⁹¹

Two radio programs that Angolans seemed to trust were the U.N. news bulletins broadcast daily on state radio and Rádio Ecclesia. The Catholic Church resumed the broadcasts of Rádio Ecclesia after it had been handed back by the government in 1997: it been expropriated by the state in 1977. Aristides Neiva, the director of Rádio Ecclesia explained the “clever way” the government tried to limit what his radio station broadcast:

¹⁸⁸Walter Viegas of Development Workshop argued this strongly in his presentation, “Making communities speak,” *NiZA-Seminar: Freedom of Expression in Southern Africa*, Amsterdam, October 16, 1998.

¹⁸⁹In Huambo and Benguela provinces for example the state-owned radio stations have been allowed to broadcast programs made by ADRA and the Red Cross.

¹⁹⁰*Ibid.*

¹⁹¹Bob van der Winden, “Angola: Media for millionaires,” in NiZA (ed.), *Freedom is a Bomb That Explodes in Your Head: Mission Report on Freedom of Expression in Southern Africa*, Netherlands Institute for Southern Africa - Cahier no.3, 1998.

Often the government refuses to talk to us about controversial subjects. If we then broadcast a story without a government comment we can be accused of being biased. It is a clever censorship.¹⁹²

Fernando Pacheco, director of ADRA explained how important radio was as a tool in building up a culture respecting human rights in Angola despite the difficulties:

¹⁹²Interview with Aristides Neiva, Luanda, August 27, 1998.

Last year [1997] I conducted research that took me to villages in various parts of Angola. I was really surprised to find out how many people listen to the foreign news services every morning. In every village two or three could be found, and not always the most literate. They would listen to the BBC, France International, Voice of America or Antenna Africa from South Africa, which all have broadcasts in Portuguese in the morning. People are hungry for information! They also listen to the Angolan channels, both of the government and UNITA, but they know that their news services are biased, to put it mildly. Radio has always been very popular and often you see people walking in the streets with radios pressed against their ears. In the final analysis I think the quality is often better than in Zimbabwe, which I visited shortly. In Angola you have debates on the radio you won't hear anywhere else, with supporters of government, opponents and all. That has definitely been stimulated by the new commercial stations, of which we have four now including the most important one, LAC in Luanda. Till about nine in the morning you really hear the world news, which you won't find on the other stations. Radio Luanda, though, is a lot better in its speech. Their language is not correct Portuguese but it is the language of the street, which is only better. There really are opportunities to publish, it's just that too many people are too scared. The frontiers are still in the minds of the people. I won't say we are in a paradise of expression, quite the contrary, but the space which is there is not being used fully! This can often be blamed on the bad quality of journalists, though we aren't just faced with the task of building a new society on the ruins of this country, but also with clearing the ruins in the minds of people, a job that is bound to take several decades. Then there is the big problem that most provincial governors are virtual autocrats and that therefore on the provincial level no dissident opinion will get a chance. We should use South Africa as a model and set up a network of small local publications and radio stations. In the capital, space has been created in the media over the past two years, but this should be extended to the provinces. That a new war will perhaps break out is a rather logical consequence of the ignorance and intolerance that prevail in the thinking of large groups of people. Reconciliation has to start in one's mind.¹⁹³

¹⁹³Cited in Bob van der Winden, "Angola: Media for millionaires," p.53.

Other government controlled media outlets include Televisão Popular de Angola (TPA) with four regional stations. ANGOP is the official and only news agency. *Jornal de Angola* and *Correio da Semana*, the latter the weekly newspaper, were like LAC set up just before the 1992 elections as part of the same MPLA strategy, although there is some evidence that journalists in both papers tried to reduce their dependency on the government during the Lusaka process. In January 1994 the publishers of the economics magazine, *Comércio Externo* launched a weekly news magazine, *Comércio Actualidade*, which is less bland than the original product and has embarked on mild criticism of government corruption. In 1995, the weekly *Tempos Novos* was launched in addition to two new fax publications, *Folha 8*, edited by William Tonet and Leopoldo Baio's (one of the old *Imparcial Fax* editorial team) *Actual Fax*. A group of journalists called the Media Grupo, some who work on *Comércio Actualidade*, launched a new weekly newspaper, *Agora* in 1996. Although *Agora's* offices in Luanda experienced a suspicious fire in early 1998, its cause is still disputed.¹⁹⁴ A Luanda neighborhood monthly paper, *Jornal do Rangal*, was launched in September 1997; the journalists involved have said they hope to raise social and rights issues through this paper. In 1998 another weekly, *Angolense*, was launched.¹⁹⁵

Folha 8 and *Agora* have become the leading independent news sheets, with *Folha 8* frequently featuring human rights stories; its director, William Tonet, used to be associated with the Angolan Association for Human Rights. The U.S. NGO World Learning in November 1998 met with the editors of *Agora* and *Comércio Actualidade* to try to arrange a feature series on rights issues in their papers.¹⁹⁶

¹⁹⁴Its editor Aguiar dos Santos claimed that this was an act of state intimidation. Interview with Aguiar dos Santos, Luanda, 21 August 1998. Other people associated with the paper told Human Rights Watch that this was the result of a financial dispute.

¹⁹⁵After a period in which publication was suspended, *Angolense's* management announced in February 1999 that it would resume publication.

¹⁹⁶Communication from Fern Teodoro, World Learning, Luanda, November 6, 1998.

Angola is slowly joining the Internet. At present the Angolan government¹⁹⁷ provides selected stories from the state media to put on embassy web pages and UNITA maintains a web page on which it puts its commiques.¹⁹⁸

In 1998 government officials increasingly used a new strategy in dealing with the independent newsletters and papers. Knowing that they were resource hungry, officials encouraged editorial self-censorship and used the incentive of payment for the publication for pro-government stories as an alternative to open censorship and repression of journalists.

In January 1998 the government's National Media Council held a seminar on pluralism and freedom of information in Angola. Minister of Mass Communication Hendrick Vaal Neto defended his government's policy of imposing restrictions and limitations on Angolan journalism by arguing that:

¹⁹⁷www.angola.org

¹⁹⁸www.kwacha.com

We have said that the limits should be there because unfortunately many of those who today describe themselves as defenders of the freedom of the press when practicing journalism, do nothing but invade what is the most sacred treasure in human beings, privacy, or seek to question the principles which shape our society.¹⁹⁹

UNITA and the Media

UNITA tolerated little press freedom during the Lusaka peace process and the transformation of its radio station, VORGAN (Voice of the Resistance of the Black Cockerel), into a nonpartisan station showed little progress, despite this being a requirement of the Lusaka Protocol and the demands of countless demarches and Security Council Resolutions. Despite repeated promises by UNITA officials, the radio station continued to broadcast hostile propaganda and inflammatory public announcements inciting hatred, and violence. VORGAN was by agreement to have been transformed into a commercial radio station, Rádio Despertar. In December 1997 the U.N. Special Representative Beye met with the management team that was to set up the station, who claimed their efforts to transform the station were hindered by difficulties in finding a premises and the acquisition of the necessary equipment. VORGAN did finally go off the air in 1998, and although UNITA warned several times that it would return as the peace process crumbled VORGAN remained off the air until December 1998, when it was reported to be back on the air.²⁰⁰

Government Harassment of UNITA's Journalists

¹⁹⁹*Post* (Lusaka), February 13, 1998.

²⁰⁰BBC monitoring at Caversham had no record of renewed broadcasts, although the Portuguese media claimed it had resumed broadcasting.

Journalists who had worked for UNITA's radio also faced government harassment. For example, Augusto Salupula, a journalist from VORGAN, was stopped in May 1998 from traveling to Luanda from Huambo by police, who said they had orders not to let him travel out of the province. UNITA also tried to get its irregularly published party paper, *Terra Angolana* more widely disseminated in Angola during the peace process. UNITA shipped 2,000 copies of the paper through Luanda airport in late 1997 (it is printed in Lisbon), but they mysteriously disappeared at the airport. Young vendors that tried to sell the paper were reportedly intimidated and threatened.²⁰¹

Government Media Crackdown in 1999

With the return to war, the space that opened up for the independent media and foreign journalists based in Angola is being eroded away again. In November 1998, the Union of Angolan Journalists warned that "Angolan society is under the thrall of what we might term a 'conspiracy of silence'." On January 11, two Angolan journalists from Rádio Morena in Benguela, station director José Manuel Alberto and administrator José Cabral Sande, were picked up at around 7:00 a.m. by Angolan Intelligence Information Officers. The arrests came soon after the station had rebroadcast a news program from RTP (Rádio Televisão Portuguesa), featuring UNITA Secretary General Paulo Lukambo Gato, who said the rebels had taken control of Vila Nova in Huambo province.

The two were held at a local police station by order of the army general staff for "disobedience" and "offenses against the state." The two journalists appeared in court on January 12, but the judge said he had no power to hold them as the papers provided by the police were not in order. They were freed conditionally. While they remain free at the time of writing journalists at Rádio Morena say they will worry more about what they report in the future.²⁰² On January 25, José Cabral Fande, director of Rádio Morena was detained by police officers and accused of having broadcast reports on UNITA, but released forty-eight hours later, further to the judge's decision that the accusations were unfounded.²⁰³

²⁰¹Human Rights Watch interviews with street vendors, Luanda, August 1998.

²⁰²Human Rights Watch telephone interview with Rádio Morena, February 2, 1999.

²⁰³Media Institute of Southern Africa, "Alert - censorship and threats against journalists," February 24, 1999.

Rádio Ecclesia, which broadcasts the Africa program of the Portuguese radio station Renascença, has also been targeted and forbidden to broadcast on three separate occasions: On January 13, 1999, when a report was to be broadcast concerning fighting between government forces and UNITA; on January 18, before the broadcast of an interview with UNITA's secretary-general; and, on January 26, just as the radio station was preparing to interview Carlos Morgado, UNITA's foreign representative in Lisbon. On January 22 the radio station's director was also threatened with deportation by the government after he had broadcast a report on fighting in the country.²⁰⁴

The moves against Rádio Morena and Ecclesia are part of a wider crackdown. When the Portuguese journalists Ivone Ferreira and Ana Gloria Lucas filed a story in the Lisbon daily, *Diário de Notícias*, about Cuban troops in Angola,²⁰⁵ the Angolan authorities responded two days later. Ivone Ferreira left Angola under threat, while the authorities refused Ana Gloria Lucas an entry visa.²⁰⁶ The assistant editor of *Diário de Notícias*, António Ribeiro Ferreira, when asked about the measures, said Ivone Ferreira had left Luanda, "precisely because she and another journalist received repeated threats and warnings, death threats in fact...They received threats, and especially of late they received serious threats that their personal safety was in danger, from people in positions of great responsibility at Futungo de Belas [official residence of the Angolan president]."²⁰⁷

These Portuguese journalists are not the only foreign correspondents that appear to have been intimidated for giving too high a profile to a controversial story. The Media Institute of Southern Africa reports that "Portuguese correspondents have complained that their telephone lines were systematically cut while they were transmitting their reports to their media concerning the current conflict."²⁰⁸

The BBC World Service correspondent in Luanda, Lara Pawson, has received several anonymous phone calls warning her to cut her coverage of the five UNITA

²⁰⁴Human Rights Watch phone interview with Rádio Ecclesia staff member, March 2, 1999.

²⁰⁵*Diário de Notícias* (Lisbon), January 19, 1999.

²⁰⁶Minister of Social Communication Hendrik Vaal Neto himself reportedly went on January 20 to the Anibal de Melo press center to determine the whereabouts of Ivone Ferreira and then went to the Hotel Tivoli, her hotel, looking for her, eventually finding she had left the country prior to publication of the article. See, *Público* (Lisbon), January 21, 1999.

²⁰⁷RDP Antena 1 radio, Lisbon, in Portuguese 0001 gmt, January 21, 1999.

²⁰⁸Media Institute of Southern Africa, "Alert - censorship and threats against journalists," February 24, 1999.

parliamentarians in government detention.²⁰⁹ She said she was warned that she would lose her license if she continued to cover their case and was questioned by a stranger about this coverage.²¹⁰

²⁰⁹Her predecessor, Anna Richardson, also complained of having her phone lines being deliberately cut on numerous occasions in 1998 when she tried to file stories back to London or Johannesburg. Human Rights Watch interview, July 2, 1999.

²¹⁰Telephone interview with Lara Pawson, Luanda, February 4, 1999.

The government issued a formal warning on January 21 when Minister for Social Communication (Information) Pedro Hendrik Vaal Neto issued a statement to the independent media.²¹¹ The minister warned that licenses to publish and broadcast would be revoked if the independent media continued to cover stories about young people not wanting to be conscripted into the armed forces. He said this reporting broke the law, as conscription was legally mandatory.

The crackdown on the independent media has continued. A military prosecutor brought charges against three journalists at *Folha 8* on February 4, and on April 6 *Folha 8* director William Tonet was interrogated for several hours at the Criminal Investigation Department (DNIC) of the Angolan police in connection with the charges.²¹²

According to Tonet, the military prosecutor has made several accusations against his newspaper, although formal charges have not been brought before a court. He has himself been accused of violating military secrets, defamation and slander. Tonet has denied these accusations.²¹³

Two other *Folha 8* journalists, Pascoal Mukuna and Rafael Marques, were also questioned by the DNIC on April 19, with Marques questioned on his article for *Folha 8*, entitled "Cannon Flesh," and his sources. They were under accusation of defamation and slander. The case is reportedly to be submitted to the Attorney General's office to determine whether criminal charges are to be brought.²¹⁴

Father Aristides Neiva of Rádio Ecclesia resigned from his post in late May due to what he described as pressure from the Catholic church for him to cutback his reporting on the war. It appears that his superiors had come under government pressure to remove him. Father Neiva tendered his resignation in April and left his post in June after a successor had been trained. Gustavo Costa, who writes for the Portuguese newspaper *Expresso* was also informed in April by the presidency that

²¹¹Human Rights Watch has a copy of direction 01/MCS/99, faxed on January 21, 1999 to Rádio Ecclesia, LAC, *Folha 8*, *Angolense*, *Comércio Actualidade*, RTP Africa.

²¹²"Editor interrogated, military brings charges against journalist," www.misanet.org, April 19, 1999.

²¹³MISA Angola, *Boletim Informativo*, no.0, April 1999.

²¹⁴Human Rights Watch telephone interview with Rafael Marques, Luanda, April 20, 1999.

charges were to be brought against him for writing about corruption within the cabinet.

On April 28 Josefa Lamberga, a reporter with the Luanda bureau of the Voice of America (VOA) was assaulted by a soldier while attempting to report on draft evasion by Angolan citizens. After being denied entry into a military recruiting center in Luanda, Lamberga returned to her vehicle but was prevented from driving away by an unidentified soldier who ordered her out of the vehicle. The soldier reportedly reprimanded her for reports in the local media and on VOA that quoted or aired the viewpoints of draftees who claimed that white or mulatto citizens use wealth and political connections to avoid military service. The corporal struck Lamberga twice in the face.²¹⁵

On May 13 BBC and Reuters journalist Lara Pawson was manhandled by a number of men when she left a bar in Luanda, who warned her about filing reports critical of the government.²¹⁶ The following day, two men claiming to police, insisted on searching the home of Herculano Bumba of Portuguese radio TSF "for weapons," although they carried no warrant.

During the same period freelance journalist Machado Irmão, who regularly contributed to the independent weekly *Actual*, was attacked and beaten up by people wearing police uniforms and driving a police truck. Irmão was apprehended by his attackers while driving with a friend, who also witnessed the attack. Irmão went into hiding for two weeks after the attack, as he had been warned to "keep his mouth shut" by the attackers. Irmão claims that the attackers told him that he was one of the journalists writing bad stories about the government.²¹⁷

²¹⁵"Angola Alert," MISA, April 30, 1999, www.misanet.org/alerts/19990430.angola.1.html

²¹⁶Human Rights Watch interview with Lara Pawson, London, June 16, 1999.

²¹⁷MISA Chronology of Angolan Press Incidents, July 7, 1999.

On August 9, Filipe Joaquim, Laurinda Tavares and Paulo Julião were detained by police after their radio station, Rádio Ecclesia, rebroadcast parts of an interview of the leader of UNITA, Jonas Savimbi from the BBC's Portuguese service. The police confiscated a compact disk containing the news broadcast which carried the interview and the three journalists were questioned at length over why they broadcast the interview. Staff at Rádio Ecclesia shut down the station until their fellow journalists were released.²¹⁸ However, on August 10 after Ecclesia broadcast more of the Savimbi interview the police staged a second raid on the radio station and arrested its director Father Antonio Jaka, editor-in-chief Paulo Juliao, and journalist Emanuel Mata. The search warrant for the raid said the Savimbi interview contained "dangerous information" and was "an incitement to collective disobedience."²¹⁹ After eight hours of questioning the three men were released. A BBC correspondent in Angola, Reginaldo Silva, was also questioned by police and accused of providing the Savimbi interview to Radio Ecclesia and to the state-owned television, TPA. On August 10 TPA information director Nelson Rosa and their news editor were also summoned for questioning by the criminal police after they had permitted excerpts of the Savimbi interview to be broadcast on television on August 9.²²⁰

The minister of information, Pedro Hendrik Vaal Neto, told state-run radio on June 1 that recent news reports insulted the government and discouraged young people from joining the army. "You have to be a nationalist to be a journalist," Vaal Neto said, adding he would take "unspecified measures" to curb reporting.²²¹ Vaal Neto defended this interview in a reply to a letter from the Committee to Protect Journalists. He said, "What we have done, and that was what took place during my recent interview referenced in your letter, is merely to remind the bad, less competent and insidious journalists that they should carry out their profession with respect and within the parameters established by law."²²² When asked about the state of the media in Angola, Speaker of the National Assembly Roberto de Almeida said:

We have plenty of independent papers that can write freely. But we are at war and some papers were writing stories that were demoralizing our

²¹⁸Reuters, August 10, 1999.

²¹⁹AP, August 10, 1999.

²²⁰Lusa (Macao), August 10, 1999.

²²¹Reporters sans frontières, "Letter to Minister Vaal Neto," Paris, June 8, 1999; AP, June 2, 1999.

²²²Letter received by CPJ from Minister of Social Communications, Pedro Hendrik Vaal Neto, written in Luanda on June 23, 1999.

soldiers. So we have to stop that, there have to be some sacrifices in war.²²³

The widespread control of information by the government and UNITA has resulted in Angolans only trusting foreign radio, in particular Portuguese radio and especially the Portuguese services of Voice of America, the BBC World Service, and Radio France International. The government is less restrictive with these journalists although it continues to prohibit direct retransmission. As the possibilities for freedom of expression are eroded once again inside Angola, international radio and satellite television stations will play an increasingly important role in informing and educating Angolans. Programs on human rights and exposing the abuses of human rights in Angola are essential and funds and expertise need to be channeled in that direction.

²²³Roberto de Almeida, British-Angola Forum, London, May 20, 1999.

IX. ARMS TRADE AND EMBARGO VIOLATIONS

In September 1993 the United Nations Security Council declared an arms embargo against UNITA. Members of the observing Troika in the peace process—the United States, Russia and Portugal—subsequently announced that they were lifting their national prohibitions on military sales to the government. Thereby legitimizing the unilateral opting out by the government of the “Triple Zero” (arms embargo) clause in the May 1991 Bicesse peace accords. This clause required the “[c]essation of accepting lethal equipment, whatever its origin.”²²⁴

While remaining part of the observing Troika, Russia and Portugal continued to supply military supplies to the Angolan government.²²⁵ Sir David Hannay, who as the British permanent representative to the U.N. and the U.K. representative on the Security Council in 1993 was actively involved on this issue, stated that: “We made a mistake. We probably should not have allowed the weapons floodgates to have been opened but have concentrated [instead] on making sure the embargo was better implemented.”²²⁶

Continued Weapons Flows to the Government

Despite the signing of the Lusaka Protocol in November 1994, both the government and UNITA continued to acquire additional weapons and military hardware. The Lusaka Protocol itself did not prohibit the importing of weapons, although the resupplying of military forces with “any lethal or similar military

²²⁴Article II (7) of the Bicesse accords cited in Ministério Da Justiça, *Angola: Livro Branco Sobre O Processo de Paz, Volume 1, 31 de Maio de 1991 - 31 de Maio 1993* (Luanda: Ministério Da Justiça, 1995), p.51

²²⁵U.S. and British diplomats, New York, June 1994.

²²⁶Presentation by Sir David Hannay at the conference “Transitions from War to Peace in the Post-Cold War Era,” Foreign and Commonwealth Office, London, September 28, 1998.

equipment, “was prohibited under the terms of the Bilateral Cease-Fire Modalities Timetable which accompanies the Lusaka Protocol.”²²⁷

Moreover, international prohibitions on arms supplies to Angola was neither comprehensive nor enforced. Whereas U.N. Security Council Resolution 864 of September 1993 clearly prohibits the sale and supply of any military or petroleum products to UNITA, paragraph 19 allows the Angolan government to import arms and petroleum products, so long as they come in “through named points of entry on a list supplied by the Government of Angola to the Secretary-General, who shall promptly notify the Member States of the United Nations.” If U.N. officials wished to investigate new shipments to either party, they were required to give forty-eight hours’ notice. The inherent weakness in this stipulation was that once notice was given any evidence could simply be removed. Moreover, while the government informed the U.N. in advance of the delivery of some weapons shipments, such notification was not normal practice. Finally, the U.N. did not impose quotas on the amount or types of military goods that the Angolan government could import.

In a clear exhortation on the issue, U.N. Security Council Resolution 976 of February 1995 “Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993), and calls upon the Government of Angola and UNITA during UNAVEM III’s presence in Angola to cease any acquisition of arms and war material, as agreed upon in the ‘Acordos de Paz,’ (Peace Accords) and to devote their resources instead to priority humanitarian and social needs.”

²²⁷“IV Timing of the Modalities For the Bilateral Cease-Fire , Phase One,” cited in *Protocolo de Lusaka* (Amsterdam: AWEPA, 1997), p.19

Venâncio de Moura, the Angolan foreign affairs minister, at the time of the Security Council debate on Resolution 976 in early 1995, declared that paragraph 12, advocating an arms embargo on the government “amounted to a violation of Angola's sovereignty.”²²⁸ The U.S. and U.K. attempted to push for a new total ban on weapons imports but found that Russia opposed this in the Security Council.²²⁹ Brazil also lobbied hard for the government's position.

In 1999 the government's armed forces numbered about 110,000, thereby constituting the largest standing army in Africa. Its equipment includes T-55 tanks and several T-62 tanks for elite units; BMP-1 and BMP-2 armored personnel carriers; BM-21 MRL multiple rocket launchers; and SA-7 and SA-14 surface-to-air missiles. Artillery consists mainly of D-30 122mm howitzers, M-46 130mm howitzers, and M-1942 (ZIS-3) 76mm howitzers. A large assortment of other Warsaw Pact weapons systems and light weapons are also in the arsenal.²³⁰

²²⁸“Angola: Between War and Peace. Arms Trade and Human Rights Abuses Since the Lusaka Protocol,” *A Human Rights Watch Short Report*, vol. 8, no. 1(A), February 1996.

²²⁹Ibid.

²³⁰This assessment is made from press reports and interviews with defence analysts.

UNITA has alleged that between October 1994 and October 1996 the government's purchases included 300 T-62 tanks, 450 BMP-1 and BMP-2 assault vehicles, an unknown number of ground-to-ground and ground-to-air missiles, 1,500 RPG-7s, 120,000 AKM assault rifles, and forty-five aircraft, including twenty-five Mi-24 helicopters.²³¹ In 1999 UNITA claimed to have captured from the government T-55 and T-62 tanks, 122mm D-30 artillery and 122mm BM-21 and BM-24 multiple rocket launcher systems, as well as 75mm²³² and 76mm field guns, 82mm and 120mm mortars, ZU-23 mm antiaircraft guns and fuel and ammunition.²³³

The London-based International Institute for Strategic Studies estimated the government's military expenditure at U.S.\$400 million in 1995 and \$450 million in 1996. It has been unable to make an estimate for 1997 and 1998.²³⁴ The Stockholm-based SIPRI was unable to provide an estimate for 1996, but estimated that Angolan military expenditure in 1997 was \$400 million²³⁵ and in 1998 estimated spending at \$840 million.²³⁶

²³¹"Compra de Armas Pelo MPLG," December 10, 1996. Statement sent to Human Rights Watch.

²³²This is probably a 75mm recoilless rifle, the M20, technically an infantry weapon and not a field gun.

²³³See UNITA's web site: www.kwacha.com.

²³⁴IISS-Military Data on Angola, March 5, 1998.

²³⁵www.sipri.se/cgi-bin/backend.milex.pl?coun=Angola.

²³⁶SIPRI Arms Transfers Project, updated June 18, 1999, www.sipri.se/projects/armstrade/atrec93_97.html. Expenditure on weapons does not necessarily mean delivery of equipment. There have been press reports of at least \$200

From an official budget of U.S.\$2.6 billion for 1997-98, the government has claimed it was going to spend more than \$302 million on defense.²³⁷ This represents 11.1 per cent of the total budget—an increase of 8 percent from 1996-97. The true figure is unknown, however, because the budget is not transparent on payments for arms. The government on March 26, 1999 approved its latest provisional budget, which included some frank admissions that Angola's access to external financing “is almost at the limit,” and that “commercial lines of credit are over-saturated.” Defence spending is the priority in the new budget.²³⁸ On May 6, the National Bank's governor Agualdo Jaime told parliament that the country was facing one of its “worst ever crises.” He reported that the “reserves are on the verge of exhaustion and the state has neither money nor foreign exchange.” The largest slice of the \$5.1 billion 1999 budget went to the Defense Ministry.²³⁹

million as “commissions” to senior military officers - and allegations that those paid off had accepted inflated prices and equipment that was not necessary for the war effort. *Guardian* (London), July 1, 1999.

²³⁷Information provided by Ministry of Defense, Luanda, August 1998.

²³⁸Televisão Publica de Angola, Luanda, in Portuguese, 1930 gmt, March 26, 1999.

²³⁹Reuters, May 6, 1999.

The Angolan government has faced a serious problem with its payments for weapons purchases, having suffered a significant shortfall in budget funds following the collapse of international oil prices in 1998. The government is also faced with the reality that its output of 768,000 barrels per day of oil produces little in the way of current revenue.²⁴⁰ Angola has borrowed heavily in the past, using future oil production as collateral. Past oil-backed loans have been arranged in many shapes and forms including four previous Union Bank of Switzerland (UBS) facilities and others arranged by Paribas, Banque Nationale de Paris (BNP), and the Bankers' Trust for advances of around U.S.\$300 million with repayment terms of three years or less and at high interest rates.²⁴¹ Warburg Dillon Read (WDR), UBS's investment banking arm, was trying in late 1998 and 1999 to put together a syndicated loan of US\$500 million but reportedly ran into problems doing so.²⁴² The last big loan was in early in 1998, when the Angolan government reached a deal with the Swiss oil trader Glencore to mortgage virtually the last barrel of the government's own oil production in exchange for up-front payments of some U.S.\$900 million. The deal, which was routed through Sonangol, the state oil company and the Presidency rather than the Ministry of Finance and Central Bank did not meet the basic standards of accountability that the IMF was seeking. Its terms guaranteed Glencore some 75,000 barrels per day of the government's allocation. The remainder was tied up in pre-financing deals with Britains Lloyds Bank, BP-Amoco, Chevron, and Elf-Aquitaine.²⁴³ On May 18, the state oil company Sonangol announced the signing of a \$575 million loan agreement in London underwritten through the Union Bank of

²⁴⁰The oil industry is forecast to grow by 25 per cent a year over the next decade, with Angola to become Africa's largest oil producer within a decade. See, Economist Intelligence Unit, *Country Report Angola: 2nd quarter 1999* (London: EIU, 1999) pp.23-28.

²⁴¹Banco Nacional de Angola official, Luanda, August 1998.

²⁴²Nick Shaxson, Economist Intelligence Unit author, April 13, 1999.

²⁴³Human Rights Watch has seen a copy of the confidential memoranda between Glencore staff and officials of Sonangol. See also, *Africa Confidential*, vol.39, no.14, July 10, 1998.

Switzerland. The funds will be available in July and a substantial portion of it will be used to re-finance previous loans.²⁴⁴ Only some \$35 million was new cash.²⁴⁵ The latest loan effectively stretched out the repayment terms for Angola over a longer period, lightening its short-term repayment obligations.

²⁴⁴Reuters, May 21, 1999.

²⁴⁵Oil industry source, London, May 21, 1999.

Since 1996 the Angolan government has been trying to reach an agreement with the International Monetary Fund over rescheduling its U.S.\$11.5 billion debt to foreign creditors. The sticking points in the negotiations with IMF officials have been the lack of accountability in the oil sector and the ad hoc oil mortgage deals the government has entered into. The hiding of significant arms payments from the budget, including the paying off of older loans, defied the transparency requirement for an Angolan agreement with the IMF. The government had hoped in 1998 that some sort of standby agreement could be reached with the IMF, but the Fund insisted that, at the very minimum, Sonangol would need to allow a proper audit of its payment channels. In February 1999 the newly-appointed finance minister Joaquim David, said that the Angolan government was now prepared to reach a "shadow agreement" - an audit of the oil and diamond industry to ensure that revenues were not used for covert arms purchases and loan repayments - with the IMF. Initial talks would begin on March 10.²⁴⁶ An IMF delegation visited Luanda from March 12 and agreed that negotiations would start with the IMF on a monitored economic program in the second half of 1999.²⁴⁷ A deal with the IMF would increase Angola's credibility with creditors.

According to the World Bank's latest review of the external debt position of developing countries, *Global Development Finance*, Angola's total external debt stock stood at \$10.16 billion at the end of 1997. According to the Economist Intelligence Unit this debt will rise to \$10.7 billion for 1998.²⁴⁸ The government's relationship with the World Bank was strained in 1999. The World Bank in May announced that it would stop further lending to Angola unless economic reforms were implemented, including controlling corruption and transparency in the oil and diamond accounts, key features in negotiations between the government and the World Bank for several years. Revenue from oil has been the source of huge speculation as its use has been shrouded in secrecy. The World Bank and IMF have insisted that the oil account be audited before they agree to any new projects.

²⁴⁶Dow Jones Energy Service, February 26, 1999.

²⁴⁷Televisão Publica de Angola, Luanda, in Portuguese, 1930 gmt, March 19, 1999.

²⁴⁸Economist Intelligence Unit, *Country Report Angola: 2nd quarter 1999*, p.28.

Meanwhile the government hopes to make up much of its current cash deficit through the cash "signatory bonus operating payments" that are to be made by international oil companies in exchange for being permitted to operate in the deep water (at water depths of over 2,000 meters) off-shore blocks thirty-one, thirty-two and thirty-three.²⁴⁹ Oil industry experts say that these were worth around \$870 million to the Angolan government based upon estimated oil reserves in the blocks and payment of the Angolan state oil company Sonangol's percentage.²⁵⁰ The breakdown of these one-off non-recoverable cash down payments was reportedly \$350 million for block thirty-one, \$200 million for block thirty-two and \$370 million for block thirty-three.²⁵¹

On April 13 Sonangol announced the partnership stakes for the three hotly-contested deep water blocks.²⁵² For block thirty-one, the operator, BP-Amoco, along with Statoil, will hold 40 percent; Exxon will hold 25 percent; Sonangol will hold 20 percent shareholding and the Houston-based Marathon Oil ten percent.²⁵³

On block thirty-two Elf will be the operator, with a 30 percent share; Sonangol will hold 20 percent; Exxon and the Portuguese national oil company Petrogal will each hold 15 percent and a Switzerland-based financial company, Prodev will also hold 15 percent. On block thirty-three, Exxon will be the operator with a 45 percent share, Sonangol will hold 20 percent, Elf will have a 15 percent share, U.S. - based

²⁴⁹These blocks are operating concession areas for oil companies.

²⁵⁰Human Rights Watch interview with Nick Shaxson, Economist Intelligence Unit, March 1, 1999.

²⁵¹Dow Jones Energy Service, April 13, 1999. Not surprisingly the government is down-playing these bonus figures in its budget, which will come under IMF scrutiny during negotiations. In its draft budget the government claims it expects only \$400 million.

²⁵²Thirty-eight companies bid for a stake in these three blocks.

²⁵³Dow Jones Energy Service, April 13, 1999.

Falcon Oil and Gas Co. will hold 10 per cent and the Israel-based energy company Naphta and Petrogal will each have five per cent.²⁵⁴

The oil companies BP-Amoco, Elf, and Exxon made the initial signatory bonus payments; with funds released on June 1 after the formal exploration agreements were signed at the end of May.²⁵⁵ According to the Angolan foreign minister, these funds are earmarked for the “war effort.”²⁵⁶

²⁵⁴Ibid.

²⁵⁵Communication from BP-Amoco, May 21, 1999.

²⁵⁶Human Rights Watch interview with Foreign Minister Venâncio de Moura, Luanda, December 9, 1998.

Three small companies that have been awarded concessions in the same three deep water blocks have a track record beyond oil exploration and production. Swiss-based Pro-Dev (in block thirty-three) is owned largely by a businessman who has mediated in substantial arms deals between British Aerospace and several Middle Eastern governments. Pro-Dev according to *Africa Confidential* has been offering its arms procurement expertise in Angola.²⁵⁷ Naphta (also in block thirty-three) is owned by Houston-based Isramco, and is linked to a Israeli private security firm. Another, Falcon Oil and Gas (block thirty-three) is U.S. based and linked to businessmen that have been arranging an oil-based pre-financing deal on behalf of Luanda.²⁵⁸

The finance minister, Joaquim David announced on July 29 that the budget would be reviewed as the price of crude had risen to more than \$18 a barrel compared with the earlier budget estimate of just \$9.0 a barrel, a realistic figure at the start of the year. He said that additional funds would allow increased spending in social projects.²⁵⁹ However, the military seems bullish about its capacity to use such resources for weapons: "We always take losses, then recover," a general was quoted as telling a diplomat, adding that "If we lose a tank, we pick up the phone and order another one. If UNITA loses one, it is more difficult."²⁶⁰

The late U.N. envoy to Angola Alioune Blondin Beye claimed in 1996 that both the government and UNITA were importing unknown numbers and types of weapons as an "insurance policy." "It is simply a symptom of the mistrust that still exists between the two parties," he was quoted as saying.²⁶¹ What the U.N. failed to

²⁵⁷*Africa Confidential* (London), vol.40, no.10 May 14, 1999.

²⁵⁸*Ibid.* According to the Economist Intelligence Unit Falcon Oil has no experience of ultra deep oil exploration but has "complex links with the financial interests of President, José Eduardo dos Santos." Economist Intelligence Unit, *Country Report Angola: 2nd quarter 1999*, p.26.

²⁵⁹Reuters, July 30, 1999.

²⁶⁰*Financial Times* (London), January 19, 1999.

²⁶¹*SouthScan* (London), vol. 11, no. 11, March 15, 1996.

address was that these uninterrupted arms imports greatly contributed to the lack of confidence on the ground. José Chipenda, the Angolan secretary general of the All-Africa Conference of Churches, in 1996 supported a call by Human Rights Watch for an arms embargo on both the government and UNITA, saying:

To have peace in Angola you need to build up confidence. How can allowing weapons to flow into Angola help secure peace? Angola needs reconstruction, not more weapons.²⁶²

Troika Members

The Lusaka peace process had an observing Troika consisting of the former colonial power Portugal and the cold war protagonists Russia and the United States. This composition was designed to promote, and theoretically should have resulted in, evenhandedness during the peace process. As we shall see, both Portugal and Russia have repeatedly entered into military agreements with the Angolan government, upsetting the delicate balance.

Portugal

²⁶²José Chipenda, "Rebuilding Angola," conference organized by the Angola-Netzwerk and Gustav-Stresemann-Institute, Bonn, March 27, 1996.

Portugal never saw its entering into military agreements with the Angolan government as an impediment to its role as a Troika member. The Portuguese state General Aviation Equipment Plant (OGMA), which refits and services the Portuguese Air Force, agreed to engage in a joint venture with the Angolan government in March 1996.²⁶³ This was followed with an announcement by Portuguese defense minister Viegas Simão on a visit to Luanda in 1998 that Portugal would assist in training Angolan military officers and would develop its military relationship further by carrying out multiple cooperation projects in Angola.²⁶⁴ On January 20, 1999, after the war flared up again, the defense minister said that Portugal would continue its “technical military cooperation” with the government despite the renewed war.²⁶⁵

Russian Federation

While being a Troika member in the Angolan peace process, Russia is also a longstanding supplier of weapons to Angola. Angola has a \$6 billion debt to Russia, mostly for weapons supplied in the 1980s. In the 1990s, Russia has continued to enjoy the same distinction as the former Soviet Union of the largest arms supplier to Angola. There appears to have been no let-up in Russia's eagerness to sell weapons to Angola, although unlike in the 1980s new deals are no longer done on a credit basis and there have been long delays between purchase and delivery because of payment difficulties. The Russian government appears to have continued its predecessor's dual strategy of the late 1980s of urging peace when possible while at the same time seeking to supply weapons to a longstanding client.²⁶⁶

²⁶³*SouthScan* (London), vol. 11, no. 12, March 22, 1996.

²⁶⁴Xinhua news agency, April 9, 1998.

²⁶⁵Lusa (Macão), in English, January 21, 1999.

²⁶⁶Keith Sommerville, *Southern Africa and the Soviet Union: From Communist International to Commonwealth of Independent States* (London: MacMillan Press, 1993), p. 122.

Angola continued to receive weapons from Russia after the signing of the Lusaka Protocol. For example, in March 1995, T-55 tanks and M-46 130mm artillery pieces passed through Luanda's Quatro de Fevereiro airport from Russia. These shipments appeared to represent purchases made since the Lusaka Protocol rather than deliveries on earlier deals.²⁶⁷

In January 1996 Boris Kolokolov, the Russian vice-minister for foreign affairs, visited Lisbon to explain that Russian weapons deliveries to Angola were of a purely commercial nature. According to the Lisbon daily *O Independente*, Angola spent U.S.\$40 million in 1995 on Russian weapons, including Mi-35 attack helicopters (the export version of the Mi-24v).²⁶⁸ In March 1996 the government also arranged for a \$75 million credit deal with Russia for six MiG-23s fighters and six MiG-24s fighters, as well as 360 Uzal lorries.²⁶⁹ The government also placed an order with Russia for two Su-24 fighter-bomber aircraft, and there were unconfirmed reports that the financing for this \$230 million arms deal went through a French bank.²⁷⁰

December 1997 saw the first signs that Russia would further increase its arms sales to Luanda. On December 4, three senior Angolan military officials left Moscow after a week of talks on updating their equipment. The discussions included the purchase of reconditioned second-hand MiG-23s, spare parts, and

²⁶⁷"Angola: Between War and Peace. Arms Trade and Human Rights Abuses Since the Lusaka Protocol," *A Human Rights Watch Short Report*, vol. 8, no. 1(A), February 1996.

²⁶⁸*O Independente* (Lisbon), February 2, 1996. The same article claims that MiG-29s were sold as well, but Human Rights Watch has been unable to find evidence of this.

²⁶⁹Human Rights Watch interviews with a U.S. military source, Washington, DC, July 1996, and a Russian diplomat, New York, July 1996.

²⁷⁰*Ibid.*

ammunition, as only two out of an original force of fifty-five Angolan MiG-23s were operational.²⁷¹ The delegation visited a storage facility near Kursk to inspect the available “goods.” On January 30, 1998 Angola and the Russian Federation signed a military cooperation agreement which provided for technical assistance and the modernization of Angolan military equipment in Russia.²⁷²

²⁷¹*Russkiy Telegraf* (Moscow), December 5, 1997, cited by BBC Summary of World Broadcasts, December 7, 1997; and Human Rights Watch interview with a Russian diplomat, Luanda, August 1998.

²⁷²The agreement was signed in Luanda by Gen. Roberto Leal Ngongo, the Angolan deputy minister of defense, and Gen. Vladimir Pakhomov, the Russian deputy minister of foreign economic relations. Rádio Nacional de Angola, Luanda, in Portuguese, 1900 gmt, January 30, 1998.

The December 1997 trip was followed by a visit to Moscow in April 1998 by Angolan foreign minister Venâncio de Moura during which a deal for sixty-five BMP-2 armored personnel vehicles was paid for.²⁷³ The vehicles arrived in Luanda in mid-April, just after a senior UNITA delegation had also arrived in the capital and was being accommodated in the Meridian Hotel near the port. UNITA claims to have seen in subsequent days a total of sixty-five T-55 tanks and BMP-2s being unloaded from a ship in the port and transported through its main gates.²⁷⁴ Human Rights Watch was able to establish that military vehicles indeed disembarked at that time and included the Russian BMP-2s from the April deal and that the Angolan government had informed the U.N. of the delivery prior to its arrival in Luanda.²⁷⁵ A docker involved in the unloading said that he and his colleagues had been ordered not to place covers over the vehicles—contrary to standard practice—and speculated that this was intended to ensure that the senior UNITA delegation would notice these new additions to the government's arsenal.²⁷⁶

²⁷³*Segodnya* (Moscow), August 18, 1998, cited by BBC Summary of World Broadcasts, August 20, 1998.

²⁷⁴Human Rights Watch interview with Isaias Samakuva, head of UNITA's delegation at the Joint Commission, Luanda, August 21, 1998.

²⁷⁵Human Rights Watch interview with a U.S. diplomat, Luanda, August 22, 1998.

²⁷⁶Human Rights Watch interview with a docker, Luanda, August 23, 1998.

In June 1998 President dos Santos went to Russia with a shopping list worth millions of dollars which included twelve Mi-25 attack helicopters (the export version of the Mi-24D), four Ilyushin-76s, and six Antonov-12 planes.²⁷⁷ The Angolan government also reached an agreement for its MiG-23s to be reconditioned.²⁷⁸ In the following two months three shiploads of Russian light weapons and ammunition were delivered to Luanda port.²⁷⁹ In August a Russian delegation headed by Defense Minister Igor Sergeyev visited Luanda for three days and signed an agreement on the repair, servicing, and modernization of a number of weapons systems. The agreement included a five-year plan to build an arms factory in Angola which would act as a workshop for the whole region to upgrade and repair Russian-manufactured military equipment.²⁸⁰ Because of Angola's outstanding \$6 billion debt to Russia (for past arms purchases), the deal was expected to be funded mainly through diamond joint-venture arrangements, but also through some oil and mining concessions and fishing rights.²⁸¹

Immediately following his visit to Angola, Sergeyev told Russian TV that "a joint commission set up by the governments of Angola and Russia" was to decide whether Russia would receive hard currency or diamonds in exchange for the weapons.²⁸² A further meeting in November attempted to iron out problems of payment.²⁸³

Some of the financing problems appeared to have been resolved, because at the end of November, the state-owned Russian Military Transport Aviation began deliveries of MiG-23s to Angola. According to the terms of the contract, the MiGs, which had been in storage on Russian military bases, were to be delivered by the end of December, assembled, test-flown, and handed over to the Angolan Air Force. Moreover, Russian technicians were contracted to repair the MiG-23s and MiG-22s purchased earlier. Weapons for the aircraft and spare parts were also delivered. The total Russian contract was estimated by the Russian press to be worth U.S.\$1 billion, although Western military intelligence analysts put the figures at "several

²⁷⁷Human Rights Watch interviews with Angolan Air Force staff, Luanda, August 25, 1998.

²⁷⁸*Africa Confidential* (London), vol. 39, no. 16, August 7, 1998, claimed that Angola also wanted MiG-29s. However, there have been no sightings of these planes.

²⁷⁹Human Rights Watch confirmed this by interviewing workers in the port, Luanda, August 1998.

²⁸⁰Reuters, August 19, 1998.

²⁸¹*Defense & Security* (London), November 11, 1998.

²⁸²Russian Public TV, in Russian, August 20, 1998. BBC Summary of World Broadcasts, August 22, 1998.

²⁸³Russian diplomatic source, London, December 1998.

hundred thousand million U.S. dollars.²⁸⁴ In December 1998 the Angolan government reportedly also arranged through Promexport, a Russian state-owned company which deals in second-hand military equipment, a \$125 million deal to provide MiG-23s to Angola.²⁸⁵ However, there was a delay in delivery of much of this equipment because of renewed problems in reaching agreement on payment.²⁸⁶

²⁸⁴*Izvestia* (Moscow), December 4, 1998, cited in BBC Summary of World Broadcasts, December 6, 1998 and Human Rights Watch interviews with military intelligence analysts in London, Paris, and Washington, D.C., January 1999.

²⁸⁵*Kommersant-Vlast* (Moscow), no. 3, January 26, 1999, copy in Human Rights Watch possession.

²⁸⁶Military intelligence official, London, March 15, 1999.

In his first foreign trip, Angola's new foreign minister, João Bernardo de Miranda, visited Moscow from the end of February to March 1, 1999 to discuss "the modernization of the Angolan armed forces, including the training of specialists and the acquisition of equipment."²⁸⁷ Human Rights Watch had been told that the meetings de Miranda had with his counterpart Igor Ivanov, defense minister Igor Sergeyev, and first deputy prime minister Yuriy Maslyukov, who is in charge of Russia's foreign trade and war industry, concerned the method of payment for these contracts.²⁸⁸

These meetings seem to have resolved some of the Russian worries over payment. On March 30, the Luanda-based newspaper *Actual* reported that there were biweekly flights into Luanda by a Russian Antonov-132 delivering assorted weaponry, including T-72 tanks.²⁸⁹ A researcher from the Economist Intelligence Unit saw an Antonov unloading five Russian tanks in mid-April at Luanda's airport.²⁹⁰ Large quantities of Russian weapons have also been unloaded from ships in Benguela port in mid-April.²⁹¹ The Portuguese paper *Diário de Notícias* also reported in mid-April that the Angolan government had purchased SU-24 fighter-bombers, and that Angolan pilots had trained in Russia to fly these and would shortly arrive in Angola.²⁹²

United States

The U.S. is the only Troika member not to have tried to push its military services directly on the Angolan government, although in 1996 it pressed hard for the Angolan government to use the U.S. private military company Military Professional Resources Inc., MPRI, to train the newly formed joint army, instead of MPRI's competitor, the South African firm Executive Outcomes (EO). Although EO pulled out of Angola officially in early 1996, MPRI failed to reach agreement

²⁸⁷*Jornal de Angola* (Luanda), March 3, 1999.

²⁸⁸Angolan diplomatic source, London, April 1999.

²⁸⁹*Actual* (Luanda), March 30, 1999.

²⁹⁰Marcus Scheuemaier, Economist Intelligence Unit, London, April 26, 1999.

²⁹¹*Expresso* (Lisbon), April 20, 1999.

²⁹²*Diário de Notícias* (Luanda), April 12, 1999.

with the Angolan government and the training program never took off.²⁹³ Later, a U.S. firm attempted to sell six reconditioned C-130 Hercules aircraft to Angola for U.S.\$72 million, but the deal was blocked by the U.S. Congress in 1997.²⁹⁴

Non-Troika Members

Belarus

²⁹³U.S. diplomat, Luanda, August 1998.

²⁹⁴Agence France Press, August 22, 1997.

Belarus has sold military equipment to the Angolan government on a number of occasions. It supplied twenty-one BMP-1 armored personnel carriers in 1993, a further seven BMP-1s to Angola in 1998. The Belarussian company that reportedly sold the vehicles, Beltekheksport, chartered a Ukrainian Air Force Antonov transport plane to fly the cargo from the Machulische airfield.²⁹⁵ Using the same route in February 1999, Belarus delivered three Grad BM-21 multiple-rocket launcher systems, 1,000 122mm artillery shells for D-30 guns, 2,000 AKM assault rifles, and 10,000 rounds of 7.62mm ammunition to Angola. These goods were delivered at Catumbela airport on February 16.²⁹⁶ This contract cost Angola \$1.4 million.²⁹⁷ The Portuguese press also reported in April that the Angola government had purchased T-72 tanks and long range artillery from Belarus which had been delivered to Luanda in the last few days.²⁹⁸

Brazil

²⁹⁵*Belorusskaya Delovaya Gazeta* (Minsk), December 23, 1998, cited by BBC Summary of World Broadcasts, February 17, 1999.

²⁹⁶Human Rights Watch interview with pilot, Minsk, February 15, 1999.

²⁹⁷*Ibid.*

²⁹⁸*Diário de Notícias* (Lisbon), April 12, 1999.

Brazil has sold weapons to the Angolan government for a number of years. Two ships containing Brazilian weapons docked in Lobito in January 1993, suggesting the Brazil was providing weapons to the Angolan government in violation of the Triple Zero embargo under the Bicesse Accords.²⁹⁹ Further transfers followed in 1994.³⁰⁰ When Brazilian President Henrique Cardoso visited Angola in August 1995, his delegation reached an agreement on an arms deal involving an Avibras Industria Multiple-Rocket Launch System (SS-06), which was paid for in October with U.S.\$2.5 million.³⁰¹ The system was delivered in mid-January 1996 but, according to a Western intelligence source, the ammunition accompanying it had the manufacturer's brand taken off.³⁰² Following a private visit by Angolan President dos Santos to Brazil in August 1998, the Angolan government purchased six EMB-312 Tucano training planes in October at a total cost of around U.S.\$15 million, according to news reports in Brazil.³⁰³ In 1999 Brazil has been supplying nonlethal military aid to Luanda including uniforms, ration kits, and vehicles, such as trucks.³⁰⁴

Bulgaria

Bulgaria supplied weapons to Angola in 1993 and 1994.³⁰⁵ In February 1996 acting Angolan defense minister Pedro Sebastião visited Sofia, the first visit by an African defense minister in five years. During the visit Sebastião signed a bilateral military agreement with Bulgarian Defense Minister Dimitur Pavlov, at which both countries restored "military-economic relations."³⁰⁶ In practice this meant the purchase of light weapons and ammunition (AK-47s and 60mm mortars), which were transported on a series of flights by an Air Sofia An-124 from Burgas and Sofia in April 1996 to Catumbela in Angola.³⁰⁷

²⁹⁹Human Rights Watch, *Arms Trade and Violations of the Laws of War since the 1992 Elections* (New York: Human Rights Watch, 1994) p.41.

³⁰⁰*Ibid.*, pp.41-42.

³⁰¹Human Rights Watch interviews with Angolan military sources, Luanda, April 1996.

³⁰²Human Rights Watch interviews with a Western military intelligence source, Washington DC, April 1996.

³⁰³*Gazeta Mercantil* (São Paulo), November 23, 1998.

³⁰⁴Information provided by U.S. and Portuguese diplomats, London and Washington D.C., April 1999.

³⁰⁵See, Human Rights Watch, *Angola: Arms Trade*, p.45.

³⁰⁶BTA news agency, Sofia, in English, February 21, 1996.

³⁰⁷Human Rights Watch interview with an Angolan military source, Luanda, November 1996.

China

Angola, China's second largest trading partner in Africa after South Africa, made a number of arms purchases during the Lusaka peace process. For example, in October 1997, Yang Wesheng, Chinese deputy minister of economy, trade and cooperation, announced while visiting Angola that trade had been increasing significantly over the previous six months. Part of this trade involved small arms.³⁰⁸ In October 1998, President dos Santos also visited China, seeking to "expand bilateral economic ties" in meetings with Chinese Premier Zhu Rongji and other officials.³⁰⁹

Poland

³⁰⁸Chinese diplomat, Luanda, August 1998.

³⁰⁹Xinhua news agency, October 13, 1998; and Human Rights Watch interview with an Angolan military source, Luanda, August 1998.

Poland exported weapons to Angola in the 1992 to 1994 conflict. For example, the irregularities over the sale of armored BWP-2 transporters to Angola in 1996 resulted in the dismissal of Henryk Mika, head of the Polish General Staff's military armaments and equipment department, and Deputy Minister of National Defense Jan Kuriata. This equipment had been commissioned by Angola in 1994.³¹⁰ In August and September 1997 weapons on Polish- and Danish-registered vessels were reportedly delivered at Luanda port.³¹¹ According to the Polish news agency PAP, Angola remained one of Poland's main weapons markets in November 1998.³¹²

South Africa

According to South Africa's National Conventional Arms Control Committee (NCACC), South Africa exported to Angola in 1998 a total of R8,945,000 (U.S.\$1,461,357) in weapons, of which R3,151,000 (U.S.\$514,783) was for weapons classified as Sensitive Major Significant Equipment (SMSE)³¹³ and R5,794,000 (U.S.\$846,574) was for Sensitive Significant Equipment (SSE).³¹⁴ In 1997 no information on transfers to Angola was recorded by the NCACC and in

³¹⁰Human Rights Watch confirmed these shipments in interviews with government officials in Warsaw, July 1996.

³¹¹Angolan military sources, Luanda, 1997.

³¹²PAP news agency (Warsaw), in English, November 29, 1998.

³¹³This category comprises conventional implements of war such as explosives, large caliber arms and automatic weapons, guns, missiles, bombs, grenades, tanks, fighter aircraft, attack helicopters, and naval vessels that could cause severe casualties and/or major damage and destruction.

³¹⁴This category comprises all types of infantry hand-held and portable assault weapons, and associated ammunition of a caliber smaller than 12.7mm.

1996 only the sale of R43,000 (U.S.\$7,024) in nonlethal equipment was entered in the NCACC register.³¹⁵

Other Countries

Human Rights Watch has also seen reports of arms sales by the following countries but has not been able to verify whether these transfers occurred:

Czech Republic: The delivery of Czech-made L-39 ground attack aircraft to Angola in 1998.³¹⁶

India: A sale of unspecified military equipment to Angola in 1996.³¹⁷

³¹⁵See: www.mil.za/SANDF/main%20SANDF.htm.

³¹⁶*Sydney Herald*, December 29, 1998.

³¹⁷*O Independente* (Lisbon), February 2, 1996.

- Israel:** The sending of MiG fighter aircraft to Israel for reconditioning in late 1996.³¹⁸
- Kazakstan:** The purchase of two Mi-35 attack helicopters (the export version of the Mi-24v) and three Su-22 from Kazakstan in December 1996.³¹⁹
- Slovakia:** Oil-for-Slovak-helicopter deal in March 1996 through the Russian state SIMPORTEX and a unnamed Franco-Russian consortium.³²⁰
- Ukraine:** The delivery in September 1995 of six Mi-17 helicopters from the Ukraine. According to media and diplomatic reports the government also purchased ammunition and weapons in 1998 and 1999 from the Ukraine.³²¹ According to the Angolan media,

³¹⁸Israeli diplomatic source, Luanda, February 1997.

³¹⁹*Actual Fax* (Luanda), December 7, 1996.

³²⁰A contract, reportedly signed between the Angolan military procurement agency and a Franco-Russian consortium in late July 1994, envisioned the supply of four shipments of weapons, including Mi-17 helicopters and armored personnel carriers. *Expresso* (Lisbon), July 30, 1994.

³²¹*Independent* (London), April 24, 1999 reported that the government used newly acquired tanks from the Ukraine in its December 1998 offensive against UNITA rebels. *Público* (Lisbon), May 18, 1999 also reported that tanks and heavy artillery were being delivered and sent to Kuito. When the U.N.'s Sanctions Committee visited Kiev in July

Ukrainian experts have also provided technical assistance to various branches of the Angolan Army on how to use these weapons systems.³²²

Zimbabwe: The supply of ammunition and uniforms in late 1998 by Zimbabwe Defence Industries.³²³

Transparency in Arms Transfers

Human Rights Watch believes that states should be willing to provide details about their weapons transfers and other military assistance they provide to other countries. As a rule, if a country believes it is in its national interest to make a particular arms sale, it should be willing to divulge the details of the sale and provide justification. This is particularly necessary in the case of arms transfers to human rights violators, when the possibility of misuse of weaponry is high.

1999, Ukrainian officials told its Chairman that the reports of authorized Ukrainian weapons going to UNITA were untrue, spread by jealous competitors attempting to undermine the Ukraine's lucrative weapons deals with the Angolan government.

³²²*Folha 8* (Luanda), August 5, 1999.

³²³Human Rights Watch telephone interviews with diplomatic sources, Harare, March 8, 1999.

Recognition of the need for disclosure, or “transparency” as it is called in the international security community, led to the establishment of the United Nations Conventional Arms Register in December 1991 to promote “transparency so as to encourage prudent restraint by states in the arms export and import policies and to reduce the risks of misunderstanding, suspicion or tension resulting from a lack of information.”³²⁴ States are requested to voluntarily submit data on their arms imports and exports, but only for seven categories of major weapons systems: tanks, armored vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, and missiles and missile launchers.

Angola has yet to submit an entry to the register. In the 1994 register (covering the arms trade in 1993) only Russia, Bulgaria, and the Czech Republic reported arms deliveries to the Angolan government. In the 1995 register (covering the arms trade in 1994), Poland listed the delivery of fifty BWP-2 armored vehicles to Angola, and Slovakia listed the delivery of nine OT-64 armored vehicles and forty 122mm artillery pieces. Despite the evidence documented above of continued exports of weapons systems that fall into the register’s seven categories, there has been not one further entry in the 1996, 1997 and 1998 registers by any state concerning arms transfers to the government of Angola.

UNITA Procurement

³²⁴U.N., Report of the Secretary-General, “Study on ways and means of promoting transparency in international transfers of conventional arms,” U.N. Document A/46/301, September 9, 1991, p. 11.

The Angolan government claimed in December 1998 that it had been surprised to find how well prepared UNITA forces were at the start of a new round of fighting in the civil war, and that these forces were using new weapon systems that included tanks for the first time, a claim that has been repeated in the media a number of times since.³²⁵ This claim is not entirely correct. In the 1980s and in the 1993-1994 war UNITA was able to field several armored and mechanized units with T-54/55 tanks it had captured from the government.³²⁶ However most of UNITA's forces were light infantry backed up by artillery, air defense, and antitank units. UNITA also has used captured 122mm D-30 artillery and 122mm BM-21 multiple-rocket launcher systems widely, as well as 75mm³²⁷ and 76mm field guns, and 82mm and 120mm mortars.³²⁸

U.S.-made 106mm recoilless rifles mounted on four-wheel-drive vehicles have been popular with UNITA. Shoulder-fired light antitank weapons (LAWs), as well as RPG-7 rocket launchers have provided additional firepower. UNITA has also utilized captured air defense artillery and shoulder-fired surface-to-air-missiles (SAMs), including SA-7s.³²⁹

The Angolan government claims to have captured the following new weapons from UNITA in the fighting since December 1998: BMP-2s, 122mm D-30 artillery, T-64s, BM-21 (MRLs), Zu-23 anti-aircraft guns, and Russian Sam-16s.³³⁰ It also has claimed that UNITA has BM-21 truck-mounted rocket launchers and BNP-1 armored vehicles.³³¹ Moreover, the government has reported that in addition to 122mm D-30 artillery, UNITA has G5 155mm howitzers and 106mm field guns,

³²⁵*Mail and Guardian* (Johannesburg), January 15, 1999.

³²⁶See John Turner, *Continent Ablaze: The Insurgency Wars in Africa to the Present* (Johannesburg: Jonathan Ball Publishers, 1998), p. 113.

³²⁷This is likely to be the 75mm RCL M20.

³²⁸FAA military sources, Luanda, January 1999.

³²⁹*Ibid.*

³³⁰*Ibid.*

³³¹*Ibid.*

U.S.-made M-60 grenade launchers, RPG-7 rocket launchers, PKM machine guns, AKM rifles, and German G3 rifles.³³² Defence Minister Kundi Paihama briefed the National Assembly on May 7, 1999 and said that UNITA had BMP-2 combat vehicles, T-62 and T-64 tanks, Orkan surface-to-surface multiple rocket launcher systems, SAM-8s, Crotale surface-to-air missiles and 122mm self-propelled artillery pieces.³³³

³³²Ibid.

³³³Televisão Publica de Angola, Luanda, in Portuguese, 1930gmt, May 7, 1999.

Richard Cornwall of the Pretoria-based Institute of Security Studies has made more dramatic claims. He claims that UNITA recently obtained six Russian-made MiG-23 fighter aircraft, six MI-25 combat helicopters, fifty tanks and seventy armored troop carriers. He said the weaponry came mainly via Ukrainian suppliers.³³⁴ Cornwall has also claimed that the rebels have recently obtained more than twenty Russian-built unguided ground-to-ground mini-scud missiles, known as FROGs, from North Korea and three Fox 7 surface to air missiles.³³⁵ To date Human Rights Watch has not independently confirmed this information.³³⁶ There have also been reports that UNITA has generally purchased its weapons from dealers in Bulgaria and Romania.³³⁷

A number of diplomats have also told Human Rights Watch that military equipment has been purchased from the Ukraine.³³⁸ Ambassador Fowler of the U.N. Sanctions Committee visited Kiev in July to discuss these allegations and reported that he received "categorical assurances from senior Ukrainian officials that such allegations of violations of Council-imposed sanctions by Ukraine were without foundation and that Ukraine was fully in compliance with international laws and norms relating to the enforcement of such sanctions," and that the officials were "confident that export control provisions were such that no authorization had ever been given for arms exports which might have resulted in the delivery of arms to UNITA."³³⁹

³³⁴"Angola: IRIN background report on UNITA," April 2, 1999 [19990402] www.reliefweb.int/IRIN.

³³⁵*Mail and Guardian* (Johannesburg), March 19, 1999; *Hart's Daily Petroleum Monitor*, March 31, 1999. Human Rights Watch also discussed these allegations with Richard Cornwall, London, April 27, 1999.

³³⁶Sean Cleary, Director of Strategic Concepts Ltd in South Africa, claims that he possesses evidence of one shipment of FROG rockets to UNITA from North Korea via Benin. He also claimed that UNITA may have obtained a couple of Alouette helicopters and two Mi-8 helicopters but that he did not believe the reports that UNITA had MiG-23s. Human Rights Watch interview, London, April 13, 1999.

³³⁷Sean Cleary, "Angola's Unremitting Agony: Time for a rethink," paper presented at the South African Institute of International Affairs, Johannesburg, March 11, 1999, p.4.

³³⁸Diplomatic sources, London and Washington, July 1999.

³³⁹These discussions included Ukrainian measures against mercenaries. These include legislation providing for serious penalties for Ukrainian nationals proven to have engaged in mercenary activity or of violating Ukraine's practice of deploying military personnel abroad only in support of U.N.-mandated military operations. "Report on the Chairman's visit to Europe and Participation in the Seventieth Ordinary Session of the Council of Ministers of the Organisation of African Unity, July 1999," S/1999/829, July 29, 1999.

The deputy foreign minister of Ukraine visited Angola in June 1999 to investigate these allegations and the Ukraine is considering participating in the E.U. Code of Conduct on arms exports and de-registering those aircraft of Ukrainian origin that are no longer under the control of the Ukrainian authorities.³⁴⁰ The Ukrainian government issued on August 3 a further denial that it was assisting UNITA and claimed that the Angolan government had accepted this denial.³⁴¹

What is not in doubt is that UNITA was well prepared for the new round of fighting: it had carefully maintained stockpiles of weapons from the 1993-1994 war, and it had brought in new weapons on sanctions-busting operations. UNITA also was able to restore to fighting order a number of weapon systems it had captured from the government, and had trained in their use during the peace process when its forces were supposed to be undergoing complete demilitarization. A senior UNITA official interviewed by Human Rights Watch in 1998 explained:

³⁴⁰Ibid.

³⁴¹Ukrainian news agency UNIAN, August 3, 1999.

We don't need to bring in too much. We are busy making sure our weapons caches are in good order and we are training. If the government attacks us, they are in for a big surprise. One thing we know well is how to fight. We won't let these people destroy us.³⁴²

The Angolan government has claimed that mercenaries are working with UNITA on the maintenance of these weapon systems, mainly from Israel, Serbia, South Africa, and Ukraine.³⁴³

Sanctions-Busting

Despite an arms and oil embargo imposed on UNITA in 1993, there has been a steady flow of supplies into territories controlled by this armed force. Diplomats and U.N. officials have known about this but habitually claimed there was little that could be done. Paul Hare, the U.S. special envoy to the Angolan peace process, told Human Rights Watch in September 1998 that:

Without military force to back up the arms embargo, the two-way flow of diamonds and arms between UNITA territory and neighboring Zaire was impossible to stop. But the sanctions did have political and psychological effects; they have increased UNITA's international isolation.³⁴⁴

³⁴²Luanda, August 1998.

³⁴³Ukraine has denied that its nationals are working with UNITA. *Nezavisimaya Gazeta* (Kiev), January 23, 1999, cited by BBC Summary of World Broadcasts, January 27, 1999. Ukraine, in an admission of its role in the current arms trade to the Angolan government told the U.N. Sanctions Committee when it visited Kiev in July that competitors were trying to undermine the Ukraine's good business relationship with Luanda.

³⁴⁴Human Rights Watch interview, London, September 28, 1998.

UNITA's procurement pattern initially did not change following the signing of the Lusaka Protocol in November 1994. Arms and oil flowed unabated through Zaire. According to a Human Rights Watch source on the afternoon of March 7, 1995 a plane belonging to the cargo company ATO, loaded with weapons for UNITA, was seen taking off from Kinshasa's N'Djili international airport bound for Angola.³⁴⁵ UNITA's use of ATO was not new. ATO flew three loads of rifles and pistols to UNITA directly from Pretoria in 1994.³⁴⁶ In early 1995 ATO carried senior UNITA military commanders to Burkina Faso and Côte D'Ivoire.³⁴⁷ ATO owns shares in a Britannia aircraft and also operates DC-4s, DC-6s, and an Ilyushin transport aircraft.³⁴⁸

Flights to UNITA in this period did not only carry weapons. They supplied the movement with fuel, food, beer, and medical equipment, and also carried passengers. Because of the sensitivity of such operations, Human Rights Watch was informed that as a matter of practice these cargo companies would file false flight plans.³⁴⁹ In the second six months of 1995 the number of flights out of Kinshasa to UNITA zones declined. However, the crash of a Trans-Service Airlift flight carrying UNITA personnel just after take-off from Jamba's airport on December 18, 1995 showed the continued use of Kinshasa-based companies.³⁵⁰ Companies operating out of Kinshasa that have flown into UNITA zones in 1995 were:³⁵¹

- Trans-Service Airlift (TSA)
- Trans-Air Cargo (TAC)

³⁴⁵Eyewitness reports, and Human Rights Watch interviews, Kinshasa, March 1995.

³⁴⁶Human Rights Watch, "Angola: Between War and Peace," p.15.

³⁴⁷Ibid.

³⁴⁸Ibid.

³⁴⁹Interviews with pilots who flew these routes for ATO, Johannesburg, January 1996.

³⁵⁰"Angola: Between War and Peace," pp. 15-16.

³⁵¹Human Rights Watch interviews in Kinshasa, interview with diplomatic sources in Washington and Luanda, and information provided by Angolan officials, March 1995 and February 1996.

- Guila Air
- Express City Cargo
- Skydeck
- Fil Air
- Walt Air

Subsequently, questions were raised regarding the destination and cargo of an aircraft that departed Kinshasa's Ndolo airport on January 8, 1996, and then suddenly crashed into Simbazikita market in Kinshasa, killing some 350 people in one of the worst air disasters in history. Diplomatic sources told Human Rights Watch that they believed the aircraft was bound for a UNITA zone in Angola, and that while it was not carrying weapons, it was carrying petroleum products—in violation of U.N. Security Council Resolution 864 of September 1993.³⁵² *Le Monde* reported that the AN-32 transport plane belonged to a company named African Airways, which operated in then Zaire under license from Scibe-Zaire, a company owned by Congolese businessman Bemba-Salona.³⁵³

In June 1996 yet another plane crashed at N'Djili airport in Kinshasa, this one a Russian cargo plane reportedly carrying a shipment of weapons from Bulgaria destined for UNITA. A press account quoted a witness to the crash, a foreign pilot working for a Zaire-based company, as stating: "This particular load of arms came from Bulgaria. It was bound for Luzamba, in Angola, but weapons come in here all the time and they go everywhere."³⁵⁴

The *Washington Post* has also described the N'Djili airport as an arms trafficking hub and highlighted the inflow of weapons from Bulgaria. It reported in 1997 that then-Zaire facilitated large-scale weapons supplies from Bulgaria to UNITA forces in 1996, with more than 450 tons of Bulgarian weapons smuggled to UNITA in October and November that year. The paper also alleged that cargo flights from Bulgaria arrived at the N'Djili airport several times a week for several

³⁵²Human Rights Watch phone interviews with diplomatic sources in London and Washington, D.C., February 1, 1996.

³⁵³*Le Monde* (Paris), January 10, 1996.

³⁵⁴Inter Press Service, August 12, 1996. See also, *De Standaard* (Brussels), Foreign Broadcast Information Service, Central Africa, August 26, 1996.

weeks in mid-to-late 1996, delivering weapons and ammunition. According to a diplomatic source quoted by the paper, the shipments included AK-47s and 60mm and 120mm mortars, as well as rocket-propelled grenades and launchers. Another diplomatic source quoted in the paper stated that the cargo was repackaged on-flight to go to UNITA-held areas of Angola.³⁵⁵

³⁵⁵*Washington Post*, March 21, 1997.

Following the ouster of Mobutu Sese Seko in May 1997, UNITA was no longer able to rely on Zaire, which became the Democratic Republic of Congo (DRC), to facilitate its arms purchases. Initially it made a switch to the neighboring Republic of Congo (also known as Congo-Brazzaville), which from May to around September 7, 1997 served as a major sanctions-busting hub for UNITA. Because of militia fighting in Brazzaville over control of the Maya Maya International Airport in June and July, the brunt of UNITA's operations then moved to Pointe Noire's airport, which began receiving daily flights of weapons and military supplies for UNITA.³⁵⁶ Although this information was known to Western intelligence agencies and the U.N., nothing was done to denounce or expose this flood of weapons.³⁵⁷ Carriers landing at Pointe Noire in September and early October 1997 include:³⁵⁸

³⁵⁶Human Rights Watch interviews with an official employed at Point Noire airport in this period, Paris, June 1998.

³⁵⁷Human Rights Watch was told by U.S., French and U.N. officials that sanctions-

- a Boeing 707 of Air Atlantic Cargo,³⁵⁹

busting was happening during this period.

³⁵⁸Human Rights Watch interviews with an official employed at Point Noire airport in this period. Interview took place in Paris, June 1998. The names of these same companies were also provided independently by both a UNITA official and Western intelligence sources; Human Rights Watch interviews, Paris, London, Washington, 1997 and 1998.

³⁵⁹*Observer* (London), January 31, 1999. According to this article Air Atlantic Cargo is a British company with offices in Kent. The planes spotted in central Africa are registered to the Lagos-based Air Atlantic Nigeria, the major shareholder in the British company. Air Atlantic Cargo was investigated in May 1998 by British Customs after it was passed an airway bill, dated February 4, 1998, purporting to show that Air Atlantic Cargo had delivered arms to President Ahmed Tejan Kabbah of Sierra Leone in contravention of an international arms embargo, though the document may well have been a fake. In August 1998 one of Air Atlantic Cargo's Boeings reportedly landed at Goma in eastern Congo for the Congolese rebels and delivered thirty-eight tons of arms from Burgas, the Bulgarian free-trade zone on the Black Sea. A week later the aircraft was spotted in Namibia, reportedly delivering twenty-one tons of arms, destined eventually for the DRC government. The plane

- two Trans-Service Airlift (TSA) planes: Electra L188 (9Q-CCV), and Viscount V744 (9Q-CVF),³⁶⁰
- a Trans-Air Cargo (TAC) plane: Britannia-31 BR31 (9Q-CJH),³⁶¹
- a Fil Air flight.³⁶²

was then said to have flown to Botswana where it unloaded armored cars, also intended for the DRC. Air Atlantic Cargo closed in 1999.

³⁶⁰Human Rights Watch interviews with an official employed at Pointe Noire airport in this period. Interview took place in Paris, June 1998. The names of these companies were also provided independently by both a UNITA official and Western intelligence sources; Human Rights Watch interviews, Paris, London, Washington, 1997 and 1998.

³⁶¹Ibid.

³⁶²Ibid.

Defecting UNITA officials have added details about arms flights into UNITA-held areas in 1997. Maj. Florentino Sawimbo told Angolan television in August 1997 that "in February, March and April it came from Zaire. For instance, we saw material unloaded in Lunda Norte and Lunda Sul Provinces. Recently, we have thought that the flights were coming from South Africa."³⁶³ Colonel Sawimbo also claimed that weapons had arrived in Lusamba and Katodi airstrip on the border with Zaire, where war material had been unloaded since 1995.³⁶⁴ In October 1998 another defecting UNITA official, Capt. Damba Zau, alleged that Yugoslav-manufactured AK-47 rifles were flown to Andulo, Bailundo, and Maquela do Zombo via South Africa and Morocco in 1998.³⁶⁵

A UNITA officer captured by the government in December 1998, Col. Boaventura Vito Cangundo, reportedly described sanctions-busting during questioning:

From late 1996 we began to receive from Zaire weapons such as AKs, RPGs, PKMs, AG-17s, and 82mm mortars. The weapons were packed as if they were second-hand clothing. BMP-2s began to arrive on July 1 1997 from a country that I did not identify...The supply lines are domestic but in 1997 there were a number of imports from South Africa to Andulo in particular [words indistinct], particularly to purchase SAMIL 100 lorries and tinned food for soldiers.³⁶⁶

³⁶³*SouthScan* (London), vol. 12, no. 32, September 5, 1997.

³⁶⁴*Ibid.*

³⁶⁵Lusa (Macão), October 15, 1998.

³⁶⁶Televisão Publica de Angola, Luanda, in Portuguese, 1930 gmt, January 28, 1999. The words of Colonel Cangundo should be treated with caution, as he was in Angolan government custody when he reportedly gave the above statement.

Colonel Cangundo provided further details to *Jornal de Angola*. When asked where the arms and ammunition came from, he replied: "From what I could read on the boxes of munitions and arms, one could see that they came from Bulgaria and were transported by an IL-76 that landed in Andulo."³⁶⁷ According to the Portuguese weekly *Expresso*, a Western intelligence document seen by the paper in Washington D.C. reported that UNITA in 1998 had obtained weapons and ammunition from some ten countries "via land routes from Mozambique, Tanzania and Zambia and by air, directly to the UNITA bases at Jamba, Cazombo, Andulo and Lusamba."³⁶⁸

Southern Africa

Southern Africa has played an important role as a transit point for supplies to UNITA for many years. Namibia, South Africa, and Zambia were important supply routes in the 1993-94 war but less so in 1995 as security was tightened and the transition to majority rule in South Africa made South Africa more hostile to sanctions-busting. By 1997, most of UNITA's arms supplies arrived through Kinshasa and Pointe Noire. In 1998 and 1999, however, with both Congo-Brazzaville and the Democratic Republic of Congo off-limits to major sanctions-busting operations for UNITA, southern African supply routes, especially through Zambia and Tanzania, once again became important.

South Africa

The chair of the U.N. Sanctions Committee on Angola, Njuguna Mahungo of Kenya, announced on April 22, 1998 that there had been as many as 186 sanctions-busting flights in December 1997 but that this number had dropped to forty in the January-February 1998 period. "There will be much less in the future," he predicted.³⁶⁹ Many of these flights originated in South Africa. According to a South African police report in March 1998, there may have been as many as fifty flights

³⁶⁷*Jornal de Angola* (Luanda), February 1, 1999.

³⁶⁸*Expresso* (Lisbon), June 20, 1998.

³⁶⁹SAPA-DPA, April 22, 1998.

going to UNITA-held territory every month from various South African airports in 1997.³⁷⁰ The number of sanctions-busting flights out of South Africa has fluctuated during the Lusaka process, from a top figure of fifty a month to at times just a handful.³⁷¹

³⁷⁰South African Police Report. According to the report, most of these flights were out of Pietersburg, but it also named Lanseria near Johannesburg and five private airstrips in Gauteng. The report stated that these airports were being used to transport “suspected” illegal “military equipment” into UNITA-held areas of Angola, p.3.

³⁷¹South African Police official, Pretoria, 1 September 1998.

The fluctuation in sanctions-busting flights has been dependent both on the demand and on the actions by the South African authorities to tighten up their border controls. One problem has been that until 1997 South Africa had thirty-six airports classified as “international,” whereas most of these lacked both air traffic control and regular police, customs, or immigration checks. The South African authorities decided in 1997 to reduce the number of “international” airports to eight. This improved control and helped save costs.³⁷² They also began deploying mobile X-ray units at land borders and airports that lacked such facilities in order to increase the risk of detection for smugglers.³⁷³

In June 1998 the local monitoring of air traffic also improved after the South African Air Force deployed an early-warning radar system covering a distance of 1,900 nautical miles and operated at the towns of Mafeking, Uppington, Ellisras, and Marriepskop. This permitted the government to monitor flights over Botswana, Namibia, southern Zambia, and southern Angola. Smaller aircraft, such as the DC-3, can still evade detection. The radar system is backed up with Tactical Mobile Units (mobile radar units) which can cover more space.

Despite the tightening up of border controls, sanctions-busting activities have continued. Pilots file false destinations or say they are ferrying mining equipment, food, or clothes.³⁷⁴ They also know how to take advantage of gaps in the radar system or a lack of adequate telephone communications, and how to change their routes to run arms without getting caught. They also started exhibiting a preference for less-monitored airports like Mmabatho and Gateway in Pietersburg after Gauteng’s airports, including Lanseria, imposed stiffer controls.

³⁷²The Operational Working Team on Border Control, “Border Control. Collective Approach-Implementation Plan,” unpublished report, Pretoria, April 1997.

³⁷³South African Police official, Pretoria, 1 September 1998.

³⁷⁴For example, Capt. Christopher Barratt-Jolly, flying a Boeing 707 under contract to Occidental Airlines, reportedly left RAF Manston in the U.K. in May 1998 with a cargo of military equipment that failed to reach its declared destination in South Africa. South African police fear that the equipment may have been handed to UNITA rebels. *Sunday Times* (London), January 10, 1999.

On January 20, 1998 a sanctions-busting Dakota DC-4 cargo plane (registration EL-WS) was intercepted by the Angolan Air Force over Menongue in southeastern Angola and forced to land at Cuando Cubango airport. The plane was found to be carrying an eight-ton cargo of mining equipment and food stuffs, and had eight people on board. It had been chartered by a South African businessman, Johannes (aka Johnny) Porfiro Parreira of Interstate Airways, from Argo Express in Brazzaville.³⁷⁵ The flight had originated from Maun, Botswana, but had filed a false flight plan stating that it was from Pietersburg and that Maun was its final destination. Its illegal flight had been scheduled to visit Kananga, Andulo, and Jamba in UNITA-held areas of Angola. The plane's crew—pilot Peter Britzke, flight engineer Antoine Steenberg "Shukker," and co-pilot Mark Jeffries—were detained by the Angolan authorities and released on March 2, 1998. The other five passengers, Johnny Parreira and four others, were tried on charges of unlawful entry and contravention of an international arms embargo, convicted, and sentenced to lengthy prison terms in October. (Johnny Parreira, who escaped from Menongue prison on September 2, was tried in absentia).³⁷⁶

In a statement to Angolan authorities Britzke reportedly confessed to flying more than 300 covert flights into Angola to supply arms and other equipment to UNITA, most frequently to Luzamba, Luremo, and Cuango in the northeast, and to the main UNITA-held areas of Bailundo, Andulo, and Jamba in the southeast. He told the press after his arrest that he was being paid \$2,500 for the trip, and added: "I am just a freelance pilot, and my business is flying. If I don't fly, another pilot will take the job. That's what our work is like."³⁷⁷

According to statements made by the crew to Angolan officials, but not independently confirmed, another passenger on the flight, Marnix van der Eecken, also a South African pilot, had worked on previous sanctions-busting flights with Britzke, including twenty-five flights with DC-4 and DC-6 aircraft (registration ZA-

³⁷⁵According to Angolan officials the plane is owned by a H. Sckuvie of Brazzaville. Human Rights Watch attempted to contact H. Sckuvie but was unable to reach him.

³⁷⁶SAPA news agency, October 20, 1998.

³⁷⁷Ibid.

NJR and EL-WNH) which delivered one hundred SAMIL trucks and other “lethal materials” to UNITA intended to “destabilise the country.”³⁷⁸ According to South African press reports, Parreira’s Interstate Airways had flown mining equipment and other logistical supplies to UNITA in late 1997 and early 1998, including a fleet of SAMIL all-terrain trucks thought to be part of a R32 million order for logistical and related equipment.³⁷⁹

³⁷⁸Angolan charge sheet, July 2, 1998. Human Rights Watch has a copy on file.

³⁷⁹*Weekly Mail and Guardian* (Johannesburg), May 1, 1998. The trucks reportedly were flown out of Mmabatho airport in South Africa during an eighteen-day operation in December 1997.

South Africa's Gateway International airport in Pietersburg has played a prominent role in sanctions-busting activities. South African Civil Aviation authorities visited AirPass, an air freight company based at the airport, in April 1998 and after assessing its documentation issued 200 charges for violations of the Civil Aviation Act, including operating without a foreign operators permit.³⁸⁰ In addition, three Antonov aircraft were found not to be airworthy; another two which landed while the investigation was underway were impounded.

Detective Service spokesman Superintendent Faizal Kader claimed that the Russians had been operating illegally and that their case details were being forwarded to the office of the senior public prosecutor for a decision. AirPass had been transporting "fuel tanks, tow trucks, boots, ponchos, food and mining equipment" to UNITA-held areas without permission from the U.N. Security Council.³⁸¹ Fuel to UNITA has been embargoed since 1993. AirPass is a subsidiary of Air Cess, run by Russians Andrei Kossalopov and Victor Budd.³⁸²

Following the event, South African television interviewed a representative of Gateway International airport and an owner-pilot about sanctions busting:

Representative of Gateway International: "If a person wants to fly to Angola and he calls up to the tower, he may do so. The tower has no control over an individual's aircraft wherever it wishes to go. He is just there to facilitate the arrival and departure of aircraft."

³⁸⁰South Africa Police report. The report named two companies operating illegally out of Pietersburg—Air Pass and Air Cess. The two companies' planes were not registered in South Africa, however, but elsewhere in southern Africa, including in Swaziland. Air Cess, the parent company, is also not registered in South Africa but in the United Arab Emirates.

³⁸¹SAPA news agency, April 15, 1998.

³⁸²AirPass is linked (through ownerships) to a series of air charter companies, including Air Cess and Norse Air. Norse Air is owned by Victor Budd and run by Andrew Smullian; it operates a DC-4 (registration EL-AWX, serial number 22192). A company profile search on AirPass by Human Rights Watch in South Africa provided a trading address in Sandton and Roodepoort in Johannesburg, indicating that the shareholders are V. BOOT (BUDD) (90 percent) and Deidre Ward (10 percent). Victor Budd is known as Victor Bout in Belgium. According to U.S. military intelligence Air Pass has also been flying in 1999 between the Central African Republic, Kisangani, and Kigali carrying weapons, timber and precious stones. Human Rights Watch interview, June 4, 1999. A 1999 U.S. intelligence assessment on diamonds in Africa seen by Human Rights Watch also mentions Victor Butt and Air Cess as being known to supply services to UNITA in exchange for diamonds.

Tom Robbertse (one of the operators at Pietersburg): "The typical flight with 40 tons of cargo from here to Angola would cost you anywhere from 50,000 to 60,000 dollars with a margin of, I would say, ten to fifteen thousand dollars on top."

Cook: "How soon would you make a profit?"

Tom Robbertse: "Well, it's about a four-hour flight to Angola. As long as there are diamonds, there is payment and as long as there's payment and as long as there are people who need supplies, flights will take place."³⁸³

Shortly thereafter AirPass moved its operations to Swaziland, where it began flying out of Manzini airport with its sister company Air Cess.³⁸⁴ After a clamp down at Mazini over the liberal issuing of operating licenses and after a freight company was found to be transporting military equipment in June, AirPass decided to move its operations headquarters completely from southern Africa, making Bangui in the Central African Republic its base. A couple of AirPass planes were reregistered with CAR numbers and have since returned to operate once again out of South Africa.³⁸⁵

According to the South African police, the authorities are powerless to tackle the problem of foreign-owned airlines.³⁸⁶ There were no arrests or confiscations in the Pietersburg case. A primary reason that individuals who are involved in

³⁸³SABC TV, April 23, 1998.

³⁸⁴Air Cess announced in 1998 to the press (in an undated press release) that it was "setting up shop in Swaziland in a multimillion-rand investment that will create jobs for locals," and that it had opened routes from Matsapha airport to Botswana, Namibia, and South Africa and planned operations to include Mozambique, Tanzania, Kenya, Uganda, and Zambia. See, *Business Day Online*, www.bday.co.za/cgi-bin/post-query.htm, no date.

Swaziland has also figured in the arms trade. In June 1998 a cargo aircraft arriving at Manzini airport was found to carry the parts for two helicopter gunships. *Janes' Defense Weekly*, July 15, 1998. The *Electronic Mail and Guardian* (Johannesburg), July 10, 1998, reports that the helicopter parts were found when the new Swaziland director of civil aviation, John Tambi, discovered that corrupt Swazi officials had issued fraudulent papers for various Russian-made aircraft. The planes were chartered to two Swaziland-registered companies, Southern Cross and AES. The registrations appeared to be a front, however, with the companies' only presence in the kingdom consisting of post office boxes. Forty-six aircraft around the world were grounded following the investigation.

³⁸⁵Human Rights Watch telephone interview with a South African Police officer, February 19, 1999.

³⁸⁶South African Police official, Pretoria, 1 September 1998.

sanctions-busting operations via South Africa use foreign-registered companies is that as such they can not be easily touched as these fall outside South Africa's legal jurisdiction.

Namibia

In February 1996 the Namibian authorities grounded a Russian-registered Antonov-12 in Grootfontein pending an investigation by police. The plane belonged to Yurand Air, a company owned by a Russian national, Yuri Siderov, which was suspected of flying ten illegal flights from Grootfontein to Saurimo and Lobito in Angola, Kinshasa in then-Zaire, and Gaborone in Botswana between February 15 and February 19, carrying thousands of liters of fuel as cargo.³⁸⁷ Siderov was fined NR40,000 (U.S.\$6,534) on two main charges of flying without an air service license and failure to file flight plans. Police suspected that the flights had made detours into UNITA-held areas to deliver fuel contrary to U.N. sanctions.³⁸⁸ The Namibian police told Human Rights Watch that Yurand Air had bought R750,000 (U.S.\$122,528) worth of fuel from British Petroleum in Namibia and had never provided proof that the fuel was sold to legitimate customers in Angola, leading police to believe it went to UNITA.³⁸⁹ According to *Jane's International Defense Review*, Yurand Air flies An-32s and An-12s, operates out of South Africa, and is responsible for weapons deliveries to UNITA.³⁹⁰

Malawi

Angola accused Malawi in March 1999 of allowing UNITA rebels to use its airspace to fly weapons to territories under its control. The Malawi defense minister

³⁸⁷This operation was linked to Ters Ehlers, a business partner of Siderov. Ehlers had approached Dr. Klaus Dierks, Namibia's deputy minister of works, transport, and communication on February 15, 1996 to get permission to airlift fuel, food, mining equipment, and other supplies from Grootfontein to neighboring countries. Ehlers is a well-known South African arms dealer who was involved in arms trafficking to the ex-FAR. See, "Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide," *A Human Rights Watch Short Report*, vol.7, no.4 (A), May 1995.

³⁸⁸After war broke out in the Democratic Republic of Congo in August 1998, Siderov switched sides in the Angolan conflict, associating himself with the DRC and Angola, and hiring an Antonov 24 through a U.K.-based company, Air Foyle Ltd, headquartered at Luton Airport. Air Foyle is represented in South Africa by Norse Air. Human Rights Watch interview with South African Police officer, Johannesburg, February 1999.

³⁸⁹Human Rights Watch interview with Namibian Police officer, Windhoek, April 16, 1996.

³⁹⁰*Jane's International Defense Review*, vol. 31, no. 8, August 1, 1998.

Joseph Kubalo has denied these allegations through the Southern African Development Community.³⁹¹

Mozambique

³⁹¹“Angola: Malawi accused of aiding UNITA,” IRIN, March 26, 1999 [19990327].

A South African arms trade researcher has claimed that in November 1996 he saw small arms and ammunition being loaded onto light aircraft, similar to ones seen flying into UNITA-held areas in Angola, at a Mozambican airfield in Nampula province, near Nacala.³⁹² He claimed that he believes private South Africa-based individuals and companies had arranged the weapons shipments through Mozambique and that while he could not confirm that the shipments he had witnessed were delivered to UNITA-held areas in Angola, he was sure UNITA was the intended recipient because these individuals were known to have had a long history with UNITA.³⁹³ The Mozambican government subsequently denied charges

³⁹²Jakkie Potgieter, senior researcher with the Institute for Security Studies in South Africa, described the planes as Cessna 210s and DC-3 transporters, which were being loaded with small arms and ammunition in November 1996. The planes were not registered in South Africa. *Electronic Mail and Guardian* (Johannesburg), June 20, 1997, retrieved at www.mg.co.za/mg/news/97june2/20june-unita.html. Potgieter visited Nacala again in March 1997, when he saw a vessel with an Indian flag discharging cargo at Nacala port, including boxes of weapons, which were then stored in grain silos and at a Taiwanese prawn-processing plant near Nacala. He said that he saw Chinese and Bulgarian crates and wrappings. Human Rights Watch interview, Eskom Conference Center, Midrand, July 3, 1997.

³⁹³*Weekly Mail and Guardian* (Johannesburg), June 27, 1997, retrieved at www.web.sn.apc.org/wmail/970627/BUS43.html.

that weapons for UNITA were being transhipped through its territory.³⁹⁴ However, the Mozambican foreign minister, Leonardo Simão, told Human Rights Watch that certain individuals might have been trafficking arms through Nacala, but that they were no longer doing so.³⁹⁵ In July 1999 Gen. Cirilo de Sa "Ita," chief of the Angolan Armed Forces' intelligence services visited Mozambique to find out more about fresh allegations that lethal equipment was reaching UNITA through Beira port and then onto Zambia.³⁹⁶

Zambia

³⁹⁴While rejecting charges that weapons flows to UNITA have transited Mozambican territory, the government stated in June 1997 that it would investigate such claims. Agence France Presse, June 26, 1997. Mozambican army chief of staff Lt.-Gen. Lagos Lidimo rejected as fabrications allegations that an arms network run by Portuguese businessmen through the Mozambican port of Nacala was linked to senior Mozambican officials. *SouthScan*, vol. 12, no. 25, July 4, 1997.

³⁹⁵Human Rights Watch interview, London, May 16, 1998.

³⁹⁶*Angolense* (Luanda), July 26, 1999.

Zambia has for many years had an ambivalent relationship with Angola, having in the past shown sympathy to both the Angolan government and to UNITA. Zambia hosts the oldest continuous refugee camp in Africa, Muykwayukwa, opened in 1966 for Angolan refugees. Three wars later, 63,000 refugees still reside in Zambia and new ones have been arriving every day. Those connections continued for years, and during the 1992-1994 war both the government and UNITA used Zambia as a weapons conduit, especially through Ndola's airport and across its lengthy land border.³⁹⁷

Allegations of sanctions-busting by UNITA through Zambia have increased since the fall of President Mobutu in May 1997, and as a result the Angolan government began watching Zambia much more carefully, regarding it as the weakest link in its efforts to isolate UNITA. Threats delivered through diplomatic channels led the Zambian government to ground two aircraft belonging to the South African firm Metex International on July 25, 1997. Metex International had established an operational base at Ndola airport in March, and had been using two Sierra-Leone-registered Hawker-Sidney 748 aircraft³⁹⁸ to airlift "unnamed cargo" from Ndola airport into Angola in operations that violated U.N. Resolution 864.³⁹⁹

Metex International and its personnel were fined \$8,000 and thrown out of Zambia.⁴⁰⁰ Defense Minister Chitalu Sampa stated that there was evidence that Metex was involved in gun running from South Africa to Angola and the Democratic Republic of Congo via Ndola.⁴⁰¹ Metex International's operations director countered by claiming that the Kitwe-based firm Chani Enterprises Limited had been using a C-130 for sanctions-busting work into Angola and that he had

³⁹⁷Human Rights Watch, *Angola: Arms Trade*, pp. 57-58.

³⁹⁸Registration numbers 9LLBH and 9LLBF.

³⁹⁹Human Rights Watch interviews airport officials, Ndola, Zambia, June 1998.

⁴⁰⁰*Zambia Today* (Lusaka), August 29, 1997.

⁴⁰¹*Jane's Defense Weekly*, vol. 29, no. 17, April 29, 1998.

been unfairly scapegoated.⁴⁰² Chani Enterprises, owned by Kitwe businessman Moses Katumi, denied these allegations, saying that Metex were the gun runners.⁴⁰³

Two senior officials working for the National Airport Corporation at Ndola and two workers of British Petroleum lost their jobs for their failure to log the departures to and arrivals from Angola of the Metex planes, and for not logging new fuel intake.⁴⁰⁴

⁴⁰²*Times of Zambia* (Lusaka), March 12, 1998.

⁴⁰³*Chronicle* (Lusaka), August 22, 1997; Human Rights Watch interviews in Zambia in 1998.

⁴⁰⁴British Petroleum confirmed to Human Rights Watch that two of its staff had failed to account for fuel provided to Metex. Human Rights Watch interview, London, January 25, 1999.

Human Rights Watch was able to ascertain that while Metex International was flying mainly logistical supplies into UNITA-held zones, at least two of its flights carried weapons. One official at Ndola airport said he had seen six crates of weapons being put on board a Metex plane “sometime in June 1997.” The crates had Russian written on them.⁴⁰⁵ Following Angolan pressure the government announced that it would tighten border controls on the movement of cargo transported by road and ban all unauthorized overflights and landings by unscheduled aircraft.⁴⁰⁶

After a coup attempt against President Chiluba in October 1997, Zambia’s fear of Angolan reprisals for Zambian support for UNITA reached fever pitch. Soldiers have testified in court that they were dispatched to Lusaka International airport to defend it against an expected invasion from Angola.⁴⁰⁷ The government imposed a curfew on night flying in Zambian airspace—lifting it only in February 1998.⁴⁰⁸

On March 5, 1998 Angolan ambassador to Lusaka Manuel Augusto issued a blunt threat to the Zambian government, saying “We don’t want to reach the stage of Congo-Brazzaville.” Augusto claimed that the Zambian government was aware that companies were using Ndola airport to traffic arms and had failed to stop them. He also charged that UNITA soldiers were using Maheba camp in Zambia, having replaced refugees who had gone back to Angola.⁴⁰⁹ In response to these allegations, the chair of the U.N. sanctions committee on Angola, Njuguna Mahugu, visited

⁴⁰⁵Human Rights Watch interviews, Lusaka and Ndola, July 1998. The official could read Russian, having studied in Russia on a scholarship. He could not, however, establish whether the crates came from the Russian Federation or another of the former Soviet republics.

⁴⁰⁶*Zambia Today* (Lusaka), August 29, 1997.

⁴⁰⁷“Zambia: No Model for Democracy: Continuing Human Rights Violations,” A Human Rights Watch Short Report, vol. 10, no. 2(A), May 1998.

⁴⁰⁸Human Rights Watch visited Zambia in this period and was told by airport staff about the restrictions.

⁴⁰⁹*Times of Zambia* (Lusaka), March 6, 1998.

Maheba refugee camp and the Chavuma border post in April, concluding that there was no evidence to support the Angolan allegations.⁴¹⁰

⁴¹⁰ZNBC radio, Lusaka, in English 1115 gmt, April 10, 1998.

On January 15, 1999 the Angolan government wrote a detailed letter to President Chiluba, once again accusing Zambia of supporting UNITA.⁴¹¹ A number of the allegations subsequently appeared in the Angolan and Zambian press, along with additional details, triggering a torrent of claims and counterclaims, few of which could be substantiated.⁴¹² The Zambian government denied the allegations, claimed to have launched an investigation,⁴¹³ and invited the secretary-generals of the United Nations and the Organization of African Unity, as well as the heads of state of South Africa and Zimbabwe, to send missions to Zambia to “establish the veracity of these allegations.”⁴¹⁴

⁴¹¹Copy on file with Human Rights Watch. This letter was submitted on March 9 to the Sanctions Committee of the U.N. Security Council by Angolan Ambassador and Permanent Representative Afonso Van Dunem “Mbinda.” It was published by the Security Council as S/1999/267, March 11, 1999.

⁴¹²*Jornal de Angola* (Luanda), February 3, 1999; and *Post* (Lusaka), February 16, 1999. See also *Post* (Lusaka), January 21 and January 28, 1999; *Jornal de Noticias do Porto* (Oporto), February 3, 1999; and *Monitor* (Lusaka), February 12-25, 1999.

⁴¹³*Post* (Lusaka), February 12, 1999.

⁴¹⁴Letter to Angolan government sent by the Hon. S.K. Walubita, Minister of Foreign Affairs, Lusaka, dated February 17, 1999 (on file with Human Rights Watch). Foreign Minister Walubita subsequently stated that his government had appealed to the whole “international community” to investigate Angola’s allegations. Reply to Human Rights Watch question, Center for Strategic and International Studies meeting, Washington D.C., February 26, 1999.

On March 21, the Information and Broadcasting Minister Newstead Zimba announced that the Zambian government had replied to the Angolan memorandum and that the Angolan allegations lack specificity and that the “Zambian government categorically denies any dealings whatsoever with UNITA.”⁴¹⁵ He said that the government’s investigations had not provided any hard evidence of gun running by current or former government officials.⁴¹⁶ Zimba also asked the Angolan government to furnish Zambia with more information on a list of individuals it had claimed were sanctions-busting: “Mulyata of Solwezi, a Transit Allen, Miro Gonçalves and Harriet Sikazwe as the government did not have proof of the existence of such people.” Zimba also said two other individuals, Paul Manneplavin and Bapista, were investigated and found to have engaged in cross border trade involving foodstuffs bypassing immigration and customs regulations and they were deported to India and South Africa respectively.⁴¹⁷ Zimba also cleared Chani Enterprises of allegations of transporting arms and ammunition for UNITA.⁴¹⁸

⁴¹⁵*Post* (Lusaka), March 22, 1999.

⁴¹⁶Human Rights Watch investigated in May 1999 the Angolan allegations that the Zambezi Motel was used as a sanction-busting location. The Motel was leased to N.N Air Services of South Africa, co-owned by Pretoria based businessman Nicolas Acton and Chipili Member of Parliament Ntongo Chindoloma and that the company had attempted to lease the airstrip adjoining the Motel but were refused a permit. The Zambezi Motel closed down on March 16, 1999 after its main clients, people linked with trade to Angola stopped using its premises following the publicity over its alleged use as a lodging and meeting place for gun runners. Businessman Juan Baptista had opened a chain of shops near the Angolan border and traded in diamonds in exchange for military uniforms, mealie meal, fuel, salt and soap through a UNITA General Kalungulungu. A local Movement for Multiparty Democracy official and an immigration official were also reportedly involved in this border trade, but no planes are known to have landed in Zambezi and trafficked guns through the district into Angola have not been confirmed. Residents told Human Rights Watch that Zambia Army lorries were transporting building materials to Kayenge and that these might have been mistakenly thought to be arms traffickers.

Human Rights Watch established that in early December 1998 several shipments of heavy weapons passed through Zambia to the Democratic Republic of Congo, which may have also been mistaken for weapons destined to Angola. However, we also established that a cross border trade continues with UNITA and that a number of individuals close to the Zambian government, whose names were not mentioned in the Angolan accusations may be involved. Human Rights Watch interviews, Zambia, May 5 to 9, 1999.

⁴¹⁷Human Rights Watch interviewed Manneplavin in Mwinilunga in July 1998: he claimed that government officials were trying to blame him for their trade with UNITA. However, other sources in Mwinilunga confirmed he traded across the border, but mainly in cooking oil, salt, and soap, and some fuel.

⁴¹⁸*Ibid.*

There was no mention of Aero Zambia, a private airline that the Angolan government alleged had been gun running and which was subsequently grounded by Zambia.⁴¹⁹ Aero Zambia has strongly denied these charges and has challenged the Angolan government and the Zambian press to provide proof.

⁴¹⁹Zambian officials grounded Aero Zambia on March 4, 1999 for allegedly flouting aviation laws and denied the move was connected to the alleged transport of weapons to the Angolan rebels. AP news agency, March 6, 1999.

Allegations of weapons going through Zambia to UNITA continue. Opposition politicians have made a string of claims.⁴²⁰ As mentioned above the South African media has also reported that in 1999 six MiG 23 fighters piloted by Ukrainians were grounded in transit to UNITA at Ndola airport.⁴²¹ Meanwhile the Angolan government has also continued to allege that Zambia supports UNITA, although in April it agreed to have talks with Zambia over its concerns.⁴²² On May 10 five days of talks between Angola and Zambia opened in Swaziland but ended with no major breakthrough. On June 10 Angolan and Zambian representatives signed an agreement that the two countries would forget all past disputes between them. The agreement followed a thirteen-hour meeting in Swaziland, which facilitated the talks.⁴²³

⁴²⁰Basil Kabwe of the United National Independence Party (UNIP) was quoted in Johannesburg's *Mail and Guardian* (April 9, 1999) as claiming to have observed eight brand-new military trucks—apparently part of a much larger convoy—in procession along the Shangombo highway leading to the border with UNITA-held areas in Angola. Number plates on the trucks identified them as being Zambian registered; however, the vehicles were not the kind used by the Zambian military. Each truck was loaded with thirty soldiers—not dressed in Zambian army uniforms. However, when Human Rights Watch questioned him about this article in Lusaka on May 6, 1999 he denied these claims, saying the South African journalist had misrepresented what he had told him and that he was considering legal action.

⁴²¹*Mail and Guardian* (Johannesburg), April 9, 1999.

⁴²²President dos Santos on April 8 reiterated that Zambia was supporting UNITA. See, *Jornal de Angola* (Luanda), April 9, 1999.

⁴²³SAPA, June 10, 1999.

On February 28, seven bombs rocked Lusaka. Six targeted electricity and water supplies and one exploded within the Angolan Embassy. The bomb at the embassy was on the second floor behind a sealed door, resulting in one death. The U.S. and Netherlands sent investigative teams to Lusaka. The U.S. and Dutch investigations concluded that the Angolan government was responsible for the bombings.⁴²⁴ Three weeks later, in late March, U.S. and French intelligence purportedly uncovered information that the Angolan government might use its commandos to strike at the Ndola oil refinery, which was suspected of supplying UNITA fuel. Through diplomatic channels, Luanda was told such action would seriously damage its international standing.⁴²⁵

⁴²⁴Diplomatic sources, Lusaka and the Hague, May 1999.

⁴²⁵*Africa Confidential* (London), vol.40, no.8, April 16, 1999; Human Rights Watch also had this confirmed by a number of Western diplomats, London and Lusaka, April 1999.

While further UNITA arms procurement via Zambia in 1999 could not be verified, a small UNITA delegation traveled to Bulgaria in 1998 and again in January 1999 via Lusaka and London, purportedly for “sightseeing” purposes,⁴²⁶ but in all probability to arrange arms deals.

⁴²⁶Human Rights Watch interview, London, January 1999. Bulgaria features as an important source of weapons for UNITA. In October 1998 the Bulgarian authorities halted a suspicious arms transaction before it was completed. The deal, which involved a shipment of surface-to-air missiles (SAMs) which they presumed was destined for an embargoed party in Africa, was first described in the local press after an official reported it at a press conference. Several officials told Human Rights Watch that the deal was brokered by a U.S.-Ukrainian company registered in the United States, Miltex, which presented an end-user certificate showing Zambia as the final destination. An investigation showed that Zambia's Ministry of Defense was not aware of the document, so authorities inferred that the SAMs might be diverted and therefore stopped the transaction before it could be completed. Miltex's owner categorically denied his company's involvement in the deal, denied ever providing a false end-user certificate in other deals, and asserted that Miltex's deals were made on the basis of valid arms licenses. See, Human Rights Watch, “Bulgaria: Money Talks: Arms Dealing with Human Rights Abusers,” *A Human Rights Watch Short Report*, vol 11, no.4 (D), April 1999, p.40.

Other African Transit Routes

Entebbe airport in Uganda appears increasingly to have become a conduit for arms trafficking and Angolan officials and the media have often cited Uganda as the main transit point for military equipment to UNITA.⁴²⁷ The Ugandan government has strongly denied these allegations saying in a press statement that “Angola has accused Uganda of supporting and assisting UNITA. At no time has Mr. Jonas Savimbi come to Uganda. Uganda has always supported all efforts by the Organization of African Unity (OAU) and the U.N. to bring an end to the Angolan civil war. Uganda stands by and strongly supports the Lusaka peace accords of 1994.”⁴²⁸ A number of pilots involved in the arms business have told Human Rights Watch that they freight equipment through Entebbe, although none of them admitted to flying to UNITA-held areas in Angola, saying that such an admission would be evidence of violating the U.N. embargo.⁴²⁹

⁴²⁷*Mail and Guardian* (Johannesburg), April 9, 1999 alleged that Ugandan troops had been seconded to fight alongside UNITA. This was denied by the Ugandan government. See, *Monitor* (Kampala), May 19, 1999.

⁴²⁸Ministry of Foreign Affairs press statement reproduced in the *Monitor* (Kampala), March 7, 1999.

⁴²⁹Human Rights Watch interviews Johannesburg, London, and Kampala, January 1999.

The speaker of the Angolan Parliament, Roberto de Almeida, on May 20 told a meeting that weapons that went through Dar-es-Salaam port destined for Uganda were then diverted to UNITA by the Ugandans, attributing this information to the Tanzanian foreign minister.⁴³⁰ A U.S. military intelligence analyst told Human Rights Watch that, "we know what's being delivered in the Tanzanian ports, but then we lose track of some of it. Some of this may be turning up in Angola for UNITA."⁴³¹

Weapons destined for UNITA have sometimes been transported by rail from Dar es Salaam to Kigoma on Lake Tanganyika, from where they were ferried by boat to Kalemie in Zaire and from there by plane to UNITA forces in Angola.⁴³² A slightly different route involves weapons cargos being transported from Dar Es Salaam south through Mbala and then by road to Angola or to Ndola in Zambia, where it was placed on planes for distribution inside Angola. According to Zambian intelligence sources, a number of Russian businessmen in Dar es Salaam have been involved in brokering this trade.⁴³³

Burkina Faso, Côte D'Ivoire, and Togo⁴³⁴ have for a number of years been named as transit points for arms to UNITA in Angola.⁴³⁵ Côte D'Ivoire has also been an important supporter of UNITA in the past, issuing passports to a number of its officials. However, in recent years UNITA's relationship with Côte D'Ivoire appears to have soured, and although UNITA maintains a foothold in Abidjan, it

⁴³⁰Roberto de Almeida at British-Angola Forum talk, London, May 20, 1999.

⁴³¹Human Rights Watch interview, June 4, 1999.

⁴³²Human Rights Watch interviews with shipping agents, Dar es Salaam, September 17, 1996, and with an advisor to the Tanzanian Foreign Ministry, Dar es Salaam, August 27, 1997.

⁴³³Human Rights Watch interview, Lusaka, April 1998.

⁴³⁴In May 1999 the Angolan government began naming Cameroon also as a transit point for trade with UNITA.

⁴³⁵Xinhua news agency, October 5, 1998.

has not been able to act with the freedom it once enjoyed. In February 1999 Côte D'Ivoire annulled the passports it had issued to UNITA officials.⁴³⁶ On his fateful last flight on June 27, 1998, U.N. Special Representative Blondin Beye was on a last-ditch trip to West Africa to get support from countries like Togo and Burkina Faso for the Angolan peace process through a more rigorous enforcement of the embargoes.⁴³⁷

⁴³⁶Televisão Publica de Angola, Luanda, in Portuguese, 1930 gmt, February 22, 1999.

⁴³⁷U.N. official, Luanda, August 29, 1998.

Pilots and staff at Ouagadougou's international airport in Burkina Faso told Human Rights Watch in June 1998 that flights carrying arms or fuel regularly arrived from central Africa to refuel in Ouagadougou, though they were not sure about the exact destination. "It can be one of a number of locations: Kinshasa, Brazzaville, UNITA. We don't ask questions. They get their fuel and off they go," said one official at the airport.⁴³⁸ A pilot interviewed by Human Rights Watch in South Africa spoke of colleagues flying from Togo into UNITA-held areas with weapons bought in Albania, but he declined to reveal which firms were involved.⁴³⁹

Morocco trained several hundred UNITA officers in logistics and communications in 1998 according to a UNITA official.⁴⁴⁰ There are also unconfirmed reports of the presence of Moroccan soldiers in UNITA-held areas in Angola.⁴⁴¹ On April 2, the Angolan media reported that Mohammed Messari, Morocco's communications minister, had announced that Morocco had ended its support of UNITA in compliance with U.N. sanctions.⁴⁴²

Fuel to UNITA

Fuel features conspicuously in UNITA's sanctions-busting efforts. In 1997 and 1998 fuel, food, and mining equipment made up probably the bulk of the cargos brought into Angola. Fuel in particular has been essential to UNITA's military efforts; without it, the rebels' ability to operate on several fronts at the same time and maintain a semi-conventional military fighting option would have been much more limited. For example, UNITA's counteroffensive against the government and its siege on Kuito in early January 1999 ended because its forces ran out of fuel.⁴⁴³

⁴³⁸Human Rights Watch interviews, Ouagadougou, June 1998.

⁴³⁹Human Rights Watch interview, Johannesburg, December 10, 1998.

⁴⁴⁰Human Rights Watch interview with a UNITA official, December 1998.

⁴⁴¹*Africa Confidential*, vol. 40, no. 5, March 5, 1999.

⁴⁴²Televisão Publica de Angola (Luanda), in Portuguese 1930 gmt, April 2, 1999.

⁴⁴³FAA official, phone interview, Kuito, February 11, 1999.

Although much of UNITA's fuel has come from outside the region, Human Rights Watch believes that in 1998 senior Angolan government officials also assisted UNITA in its procurement of fuel, thereby breaking the U.N. embargo. A number of truck drivers told Human Rights Watch that on the orders of Governor Flavio Fernandes of Malanje, Sonangol fuel trucks were driven past Malanje city to Quela, where their contents were siphoned off by UNITA.⁴⁴⁴ Reportedly, this went on for many months, and diplomats in Luanda told Human Rights Watch that they had raised this with the government, which did nothing.⁴⁴⁵ Only in December 1998, after Malanje came under UNITA siege, was the city's police Sub-Comissário Paka arrested on charges of facilitating the sale of fuel to UNITA.⁴⁴⁶

In May 1999 further details of the diversion of fuel with the knowledge of some government officials to UNITA came to light. According to *O Independente*, fuel has been purchased on behalf of UNITA from the Sonangol storage facilities at the port of Lobito and is transported through various intermediaries.⁴⁴⁷ Angolan officials have admitted to Human Rights Watch that several hundred people have been arrested, including some army officers.⁴⁴⁸ According to the Angolan media, UNITA has also been acquiring fuel in 1999 from northern Namibia.⁴⁴⁹

UNITA's Weapons Exports

According to some sources, the longtime supply of arms and training to UNITA via Zaire was reciprocated in 1995 and onwards as UNITA provided arms and training to Mobutu's Rwandan and Burundian allies. Diplomats, businessmen, and weapons traffickers told Human Rights Watch that in 1995, weapons from UNITA-held areas in Angola were transported across the Zairean border to Luau-Dilolo and loaded onto trains which took them via Kolwezi to Lubumbashi and Kamina. From there, the weapons were either flown directly to Goma and Bukavu or transported by rail to Kalemie on Lake Tanganyika on a track operated by Spoornet, the South African national railways. The weapons were then ferried by boat to Burundian Hutu rebels in Tanzania and eastern Zaire.⁴⁵⁰ Cargo operators

⁴⁴⁴Human Rights Watch interviews, Luanda, August 1998.

⁴⁴⁵Human Rights Watch interviews, Luanda, August 1998.

⁴⁴⁶Police and NGO sources, Luanda, January 1999.

⁴⁴⁷*O Independente* (Lisbon), May 8, 1999.

⁴⁴⁸Angolan officials London, May 20, 1999; *Actual*, (Luanda), 1999.

⁴⁴⁹*Actual* (Luanda), August 7, 1999.

⁴⁵⁰Human Rights Watch interviews with a European diplomat, Kinshasa, March 9, 1995; with a corporate security officer, Kinshasa, March 8, 1995; and with arms traffickers, Kalemie, February 9, 1995, and Kinshasa, March 7-8, 1995. Similarly, weapons arriving in Angola for the Burundian government were reportedly also transported by rail to

and diplomatic sources said that Hutu rebels based in eastern Zaire had obtained arms and training from UNITA until they were ousted from those bases in late 1996.⁴⁵¹

Lubumbashi before being delivered to Kalemie.

⁴⁵¹Human Rights Watch interviews with a U.S. embassy official, Bujumbura, October 1, 1996, and with cargo company personnel, Brussels, August 2, 1996. A connection to UNITA also arose with respect to Zairean nationals Aziza Gulimali, General Kpama Baramoto, and Jean Bemba Saolona, who were under scrutiny by several Western embassies in the region for having provided arms, including Heckler & Koch G-3 rifles and 7.62 caliber ammunition, to FDD rebels via Angola in the summer of 1996. A European diplomat told Human Rights Watch that the three “run guns from South Africa to Zaire...Baramoto’s men have been having skirmishes with local Zairean troops over the supply line.” Human Rights Watch interview, October 6, 1996.

In 1996 and 1997, UNITA forces in southern Angola were reported to have sold weapons to South African arms traffickers based in northern Namibia, especially via Rundu.⁴⁵² There was also evidence of a limited trade into Zambia in the same period.⁴⁵³

The Trade and Embargo of Diamonds

Angola is an important diamond-producing country. Diamonds are the second main export, after oil, but production has oscillated sharply because of armed conflict and in recent years has never come close to its peak of 2.4m carats in 1971, when Angola was the world's fourth largest producer (by value). Ninety percent or more of Angola's diamonds are of gem or near-gem quality. To date, diamond mining has been restricted to alluvial and eluvial deposits in Lunda Norte.⁴⁵⁴ Spectacular river diversion methods, involving the building of dikes and canals, have been employed to drain rivers and permit the mining of rich diamond-bearing gravel in the river beds. Much of the mining has been done by *garimpeiros*⁴⁵⁵ in poor and difficult conditions. Many *garimpeiros* operate as semi-bonded labor and often have to work under sharing agreements with whoever controls the land they work on. Angola also has several kimberlite pipes, but these have yet to be exploited commercially.

UNITA and the Sale of Diamonds

⁴⁵²Alex Vines, "Small Arms Proliferation: A Major Challenge for Post-apartheid South and Southern Africa," in David Simon (ed.), *South Africa in Southern Africa: Reconfiguring the Region* (London: James Currey and Ohio University Press, 1998), p. 39, citing the author's field work in Zambia.

⁴⁵³Chris Smith and Alex Vines, "Light Weapons Proliferation in Southern Africa," *London Defense Studies 42* (London: Brassey's, 1997), p. 38.

⁴⁵⁴Tony Hodges, *Angola to 2000: Prospects for Recovery* (London: Economist Intelligence Unit, 1993), pp. 116-118.

⁴⁵⁵Diamond diggers.

Diamonds have in recent years been UNITA's primary source of revenue. Between 1992 and 1994 UNITA controlled up to 90 percent of diamond production but this declined in 1995.⁴⁵⁶ During 1996 and 1997 UNITA produced about two-thirds of Angola's output, with a peak value of U.S.\$730 million in 1996.⁴⁵⁷ The majority of these diamonds were bought up through the De Beers Central Selling Organization.⁴⁵⁸ UNITA's former chief of staff Gen. Arlindo Pena "Ben Ben" told

⁴⁵⁶*World Diamond Industry Directory & Yearbook 1996/97* (London: Diamond International, 1997).

⁴⁵⁷*Africa Energy & Mining* (London), no. 235, September 9, 1998.

⁴⁵⁸Diamond industry source, Antwerp, October 1998; UNITA officials, Angola, London, and Paris in 1997 and 1998. Ollie Oliveira, De Beers Angola Director and director of the CSO told the British-Angola Forum on March 24, 1999 that, "What we have consistently (sic) is that De Beers has never had any direct dealings with UNITA. Up until the imposition of sanctions, in June 1998, what conceivably happened is that an intermediary (who could be connected to UNITA) would arrive at the buying centres of Antwerp and Israel with diamonds which, according to the laws of those countries, were legal. He might have been the forth, third handler of those goods. Until the imposition of sanctions, we could

Human Rights Watch in 1998 that “Diamonds are UNITA’s life blood. Without them UNITA wouldn’t be able to maintain its options. We needed to have choices, and as you see what the government is doing now, UNITA needed to maintain military reserves so that the government doesn’t destroy us. This is the reality.”⁴⁵⁹

have conceivably indirectly purchased UNITA diamonds. We will never know.” De Beers Managing Director Gary Ralfe at a press conference in Moscow on October 21, 1997 stated that “You are absolutely right to say that in fact it is UNITA that over the recent few years been responsible for most of the production in Angola. One of the essential jobs that we De Beers carry out worldwide is to ensure that diamonds coming onto the markets do not threaten the overall price structure and therefore although we know (sic) direct relationship with UNITA, there is no doubt that we buy many of the diamonds that emanate from the UNITA-held areas in Angola, second-hand on the markets of Antwerp and Tel-Aviv. And as the diamond markets were weakened recently (inaudible)...in buying up this Angolan production which otherwise will be threatening the overall price structure has increased.” “Press Conference with Alrosa Company and De Beers Corporation, October 21, 1997,” Federal Information Systems Corporation Official Kremlin International News Broadcast, October 21, 1997.

⁴⁵⁹Human Rights Watch interview, Luanda, August 27, 1998.

Diamonds and access to diamonds were a central part of the Lusaka peace process.⁴⁶⁰ The Lusaka Protocol provided UNITA with the ministerial position of Mines and Geology, but failed to address the diamond issue. Whereas UNITA technically was obligated under the Lusaka Protocol to withdrawal from the diamond areas it occupied, the government and observing Troika accepted that this would be unrealistic, and therefore attempted direct talks. The view was that the Lunda provinces were a fault-line zone, and that if war erupted there, it would spread and threaten the peace process. It was also argued by U.N. officials and diplomats that for UNITA to play an effective role in an Angolan multiparty system it would need an independent funding base. Several years followed of intermittent negotiations between the government and UNITA about the distribution of diamond resources. In November 1996, the government and UNITA signed a memorandum of understanding, giving UNITA, through a legally recognized holding company, the right to control or explore certain diamond areas.⁴⁶¹

⁴⁶⁰According to a U.S. intelligence assessment of the diamond trade and Africa, Lebanese dealers have been important middlemen for UNITA in the diamond trade.

⁴⁶¹A rare glimpse of these negotiations were given in an interview in June 1996, when UNITA leader Savimbi was interviewed about diamonds (Lisbon Rádio Renascença, June 27, 1996, as printed in FBIS Daily report: southern Africa, July 1, 1996): [Ribeiro] I have heard that the president of ENDIAMA (Angola's national diamond company) visited Bailundo. Is this true?

Talks between the government and UNITA finally ended in mid-May 1997, when the government's military launched an offensive against UNITA-held diamond areas in Lunda Norte province along the northeastern border.

[Savimbi] It is true but he did not talk to me. He had no business talking to me. I do not enter talk about stones. I have not sunk so low as to discuss our diamond wells [as heard].

[Ribeiro] Those stones are precious to UNITA?

[Savimbi] Yes they are, but I have not sunk so low. He had talks with other UNITA officials. I still don't know what they talked about because it was not important enough for an immediate report. Yes he paid a visit. We acknowledge that there are ongoing discussions, very realistic discussions... The fact is, UNITA cannot be left without resources. It cannot. You cannot ask for everything: let us have your army! Here, have it. Let us have your weapons! Here, have them. Let us have your money! Oh come on, get real! Nobody will accept that.

One of the richest alluvial mining areas UNITA occupied was the Cuango valley. A watershed event in the Lusaka peace process occurred in early January 1998, when UNITA forces withdrew from the Cuango valley and allowed state administration to be restored there. UNITA had given up Cuango town itself in late January 1997, but had refused to hand over the rich diamond fields. That UNITA handed back some of its diamond assets to government control was significant, although diamond industry sources said that all the easy mining had been done during UNITA's occupation of the region.⁴⁶² In 1998, UNITA only raised some U.S.\$200 million from diamond sales due partly to the collapse in world prices for rough diamonds and partly because it had exhausted its most lucrative mines.⁴⁶³ De Beers expect sales to be roughly the same level in 1999.⁴⁶⁴

In 1998 the level of violence in Lunda Norte increased, with many human rights abuses also reported. The killing of at least 105 civilians by an unidentified group and the wounding of numerous others in the mining settlement of Bula on July 21 constituted the most dramatic such abuse (see above). UNITA also increased its attacks on traffic to the diamond mines by laying landmines and carrying out ambushes. In a November 1998 attack on the Yetwane mine, UNITA forces killed eleven workers and abducted four others.⁴⁶⁵ In a second attack in January 1999 UNITA killed a British miner and three other people in an ambush four miles from their base in Luzamba.⁴⁶⁶ In mid-April UNITA rebels made six attacks on foreign companies working in the diamond-rich north-east in one week.⁴⁶⁷ Since then the number of attacks have declined and a number of journalists have speculated that a number of diamond companies have reached accommodations with the rebels and the government.⁴⁶⁸

Diamonds For Weapons and Petroleum

The wealth of diamonds mined in UNITA-held areas has provided the rebels with the resources to rearm and prepare for renewed conflict during the Lusaka

⁴⁶²Endiama official, Luanda, August 28, 1998.

⁴⁶³Down from U.S.\$500m in 1997. Estimates provided by Ollie Oliveira, executive director of the De Beers Central Selling Organization and the director responsible for De Beers Corporate Finance and Angola, London, March 24, 1999.

⁴⁶⁴Ibid.

⁴⁶⁵*Sunday Times* (London), November 15, 1998.

⁴⁶⁶*Times* (London), January 8, 1999.

⁴⁶⁷*Economist* (London), April 24, 1999.

⁴⁶⁸DPA correspondent in Luanda Anna Richardson visited Saurimo in April and heard much discussion about this amongst the diamond companies. Human Rights Watch interview, London, July 3, 1999.

process. The diamonds have left the country through the same pipelines through which sanctions-busting oil and weapons have entered Angola. UNITA's exports of diamonds during the Lusaka process netted the rebels some U.S.\$1.72 billion, much of which it invested in military supplies, petroleum products, food, and medicines.

Large numbers of diamonds mined in UNITA-held areas have passed through the buying offices in Mbuji-Mayi and Kinshasa in the Democratic Republic of Congo. Despite the DRC government's hostility to UNITA, Kinshasa still remains one of the main departure points of diamonds for Europe.⁴⁶⁹ Until October 1997, Brazzaville and Pointe Noire in the Republic of Congo were also important departure points for UNITA diamonds.⁴⁷⁰ Other transit countries for diamonds from UNITA-held areas in 1998 are Zambia,⁴⁷¹ Namibia, South Africa, Burkina Faso, Togo, Côte D'Ivoire, and the Central African Republic, and Rwanda.⁴⁷² The Zambian press reported in March 1999 that the town of Mongu was busy with illegal trading in Angolan diamonds.⁴⁷³ A pilot who used to work for Fil Air described flying for UNITA to Cafunfo out of Kinshasa's N'djili airport in 1996:

I flew some ten times into Angola, to Cafunfo. We used a DC-6 and had no problems. I was paid cash for the trip and usually carried fuel, beer, and toilet paper. The return flight was always with diamonds, which were then taken to the buying outfits in town, I was told. The dealers always had an armed escort. Those were the boom times. By 1997 I gave up on Angola.⁴⁷⁴

A U.S. official confirmed this two-way traffic of diamonds leaving Angola through Bujumbura to Antwerp in exchange for arms in 1996. He helped shed light on the traffickers' motives in employing such tortuous paths as follows: "They want it to come via Bujumbura rather than Kinshasa, which would involve a wholly different pay system."⁴⁷⁵

⁴⁶⁹Diamond industry sources, London, January 1999.

⁴⁷⁰Ibid.

⁴⁷¹There are known dealers in Zambia in Zambezi, Kalabo, and Mongu. Human Rights Watch found no evidence of any significant trade going through Mwinilunga when it visited in June 1998. But we were told that the town had been a major transit point for Zairean traders working in UNITA-held areas until mid-1997; Human Rights Watch interviews with diamond industry sources, Antwerp, October 15, 1998.

⁴⁷²Confidential sources.

⁴⁷³*Post* (Lusaka), March 30, 1999.

⁴⁷⁴Human Rights Watch interview, Johannesburg, December 1, 1998.

⁴⁷⁵Human Rights Watch interview with a U.S. Embassy official, Bujumbura, October

Given how important diamonds were for UNITA and how they provided for UNITA's rearming, it is remarkable that only in July 1998 did the United Nations impose an embargo on the diamond trade. By then, UNITA had been able to buy significant amounts of weapons and petroleum. It was a critical mistake in the Lusaka peace process not to have imposed an embargo on UNITA's diamond sales much earlier.

The Embargo on Diamonds

On July 1, 1998, a Security Council-imposed embargo on the diamond trade with UNITA entered into force. Resolution 1173 called on states:

- (b) to prohibit the direct or indirect import from Angola to their territory of all diamonds that are not controlled through the Certificate of Origin regime of GURN.

- (c) to prohibit, upon notification by the Chairman of the Committee created pursuant to resolution 864 (1993) to all Member States of guidelines approved by that Committee, the sale or supply to persons or entities of Angola to which State administration has not been extended by their nationals or from their territory, or using their flag vessels or aircraft, of equipment used in mining or mining services.⁴⁷⁶

On July 8 the European Union announced that it had formally adopted the new sanctions, thus binding its fifteen members. Both Belgium and Israel, both important diamond-trading centers, had enacted legislation to implement the U.N. sanctions by August 1998. Switzerland, which is also active in the diamond trade (but not a member of the U.N.), enacted domestic law to enforce the embargo on November 25, 1998.⁴⁷⁷

⁴⁷⁶U.N. document S/RES/1173 (1998).

⁴⁷⁷SAPA-AP, November 25, 1998.

The Belgian government in March called for coordinated European Union action to stop diamond sales being used to fund arms purchases in Angola. Belgian Foreign Minister Erik Derycke said that most of the diamonds arrived in Brussels from South Africa via London.⁴⁷⁸ In the ACP-EU Joint Assembly meeting in Strasbourg on April 1, 1999 a resolution on Angola included "Calls for a thorough and urgent investigation by the Commission into the conduct of the diamond trade with a view to eliminating smuggling by Mr. Savimbi to fund his war effort."⁴⁷⁹ The De Beers company, which through its Central Selling Organization (CSO) controls around 80 percent of world sales of diamonds,⁴⁸⁰ has yet to say how it intends to

⁴⁷⁸Channel Africa, "Midday Report 020399," March 2, 1999.

⁴⁷⁹ACP-EU "Resolution on the situation in Angola," ACP-EU 2759/99 fin, www.europa.eu.int/comm/dg08/document/joint/joint1_en.htm

⁴⁸⁰De Beers, *1997 Annual Report*. To maintain the value of diamonds as supplies increased, they had to be artificially scarce. De Beers has created the "single channel marketing system," which is the world's most unquestioned cartel. Through its Central Selling Organisation in London, De Beers sells up to 80 percent of the world's uncut diamonds. To maximize control, the CSO has in the past bought up any loose stones in circulation, either from small-time traders in Angola or dealers in London or Antwerp. The aim is to bring as much trade as possible under De Beers' control. The CSO organizes ten sales a year to 160 selected dealers who each are offered a small box of uncut stones. The CSO decides what it sells at the sales, which are known as "sights." It also determines the price.

deal with the embargo, but declared in a press statement on December 15, 1998 that “De Beers’ buyers do not buy rough diamonds without an Angolan Government certificate of origin and whose provenance is uncertain. De Beers’ buyers have refused (and will continue to do so) diamonds without certificates.”⁴⁸¹ In January 1999 De Beers wrote to the U.N. offering its expertise in helping to implement the embargo.⁴⁸² Asked why it took so long to write to the U.N., De Beers has said that it wrote to the Angolan government first, seeking clarification on what it should do.⁴⁸³ In May, two senior De Beers officials met with Ambassador Fowler of the U.N. Sanctions Committee twice, in Angola and then in South Africa. De Beers, however, has not been forthcoming with information to the nongovernmental organisation Global Witness (which published a widely publicized report on the diamond trade and Angola in 1998) and has been seeking information on how De Beers plans to assist implementation of the embargo.⁴⁸⁴

⁴⁸¹Reuters, December 15, 1998.

⁴⁸²Letter from De Beers Managing Director Gary Ralfe to the United Nations Sanctions Committee, January 13, 1999.

⁴⁸³Ollie Oliveira, Executive Director of the De Beers Central Selling Organization (CSO), London, March 24, 1999.

⁴⁸⁴Human Rights Watch interview with Charmian Gooch, Co-Director, Global Witness, London, July 3, 1999.

A key to the implementation of the diamond embargo on UNITA is the identification of the rough diamonds coming out of Angola. De Beers has told Human Rights Watch that “you cannot tell the difference if, say, Angolan roughs are mixed with some from gem-quality alluvials in Sierra Leone.”⁴⁸⁵ De Beers wrote to the U.N. in January 1999 saying: “It is difficult to be confident of the origin of a diamond once it has left the place where it has been extracted. When a rough diamond has been polished, then the difficulty of identification becomes an impossibility.” De Beers’ advice to the U.N. in this letter was that the international trade should be regulated with trading only by recognized firms and a tightening of border controls around Angola, as the identification of illegal diamonds is much more difficult once they had left the country.⁴⁸⁶ De Beers produced a document on the “sources of rough diamond production and their individual characteristics,” in June 1999. According to De Beers:

It is difficult to be certain of the origin of a rough diamond once it has left the place where it has been extracted.

Experts from De Beers and elsewhere can be reasonably sure of the origin of diamonds from a primary source or a broad alluvial area if they see a parcel of original “run-of-mine” goods or a decent sized parcel (say several hundred carats) of specific types of rough gem diamonds.

In the case of alluvial diamonds, the situation is complicated by the fact that some diamondiferous rivers cross national borders. For example, diamonds that have their origins in Angola have been transported by ancient alluvial flood plains or river courses into what is now the Democratic Republic of Congo, so the same types of diamonds can be found on both sides of the border.

There are cases where an expert could be reasonably sure of the geographical origins of quite small parcels of diamonds, even individual diamonds, for example with some kinds of Russian crystals, some of the characteristic Australian goods, or the “frosted” gems from Angola/Congo.

⁴⁸⁵Human Rights Watch interview with Andy Lamont, De Beers, London, December 1998.

⁴⁸⁶Letter from De Beers Managing Director Gary Ralfe to the United Nations Sanctions Committee, January 13, 1999.

However, in general it will be much more difficult to tell the origin of rough gem diamonds when they are not run-of-mine, when there are only individual stones or small parcels available, or when diamonds from different sources have been mixed together.

It is generally accepted that a single rough diamond cannot be identified with certainty as having come from a particular source, certainly not to the standard of evidence required for a court of law. There are occasional exceptions, i.e. some large and famous polished and rough stones with a known history.

When a rough diamond has been polished, identification becomes impossible. During the polishing process, diamonds lose the natural features by which they could be identified.⁴⁸⁷

It is believed that 80 percent of transactions in rough diamonds take place in the Belgian city of Antwerp. Jan de Kesel, general director of the Antwerp-based Diamond High Council, which defends the industry's interests, has claimed that the Belgian authorities are rigorously respecting the U.N. sanctions.⁴⁸⁸ Diamond traders in Antwerp told Human Rights Watch that the origin of mixed packets could easily be identified, though distinguishing gems from northern Angola from those from Congo could be difficult.⁴⁸⁹ The diamond industry has not, however, specified the established criteria to assist governments and the U.N. in the implementation of the embargo, a transparency that is needed. There are other obstacles. At present only Angolan diamonds require an official Certificate of Origin, whereas diamonds from other countries require only a customs declaration and some supporting paperwork. This makes it easy to put Angolan gems in mixed packets or to claim they have another origin.⁴⁹⁰ The introduction of a global certification scheme would assist the monitoring process.

Antwerp certainly appears to have tightened up on its purchasing of uncertified or contentious roughs. In 1998 only 14,593 carats were exported from Zambia to Belgium according to the Diamond High Council, a fraction of the estimated UNITA sale of US\$220 million.⁴⁹¹

⁴⁸⁷De Beers, *Introduction to the sources of rough diamond production and their individual characteristics* (London: De Beers, June 1999), p.3.

⁴⁸⁸*Business Day* (Johannesburg), April 21, 1999.

⁴⁸⁹Human Rights Watch interview, Antwerp traders, October 15, 1998.

⁴⁹⁰Human Rights Watch interview, Antwerp, October 15, 1998.

⁴⁹¹According to a Canadian diplomat one packet of illicit Angolan diamonds was intercepted by customs officials in Antwerp in June 1999.

Israel's diamond trade, which has a strong demand for Angolan-type stones, buys these on the open market and appears much less questioning. Several Angolan diamond traders who had visited Tel Aviv in January 1999 to sell packets of Angolan diamonds told Human Rights Watch that they had faced no problems in selling their stones, which were a mixture of diamonds from both government and UNITA-held areas of Angola. The areas are so close as to make it difficult for anyone to tell the precise points of origin.⁴⁹²

⁴⁹²Human Rights Watch interview, London, February 4, 1999.

Despite Tel Aviv becoming a more favored location for UNITA's diamonds, Belgium remains an important destination for Angolan diamonds, which are likely to end up in one of four diamond bourses in Antwerp, where much of the diamond trading is carried out.⁴⁹³ Shortly after the new U.N. embargo entered into force *Antwerp Confidential* reported that:

Dealers in Antwerp told *Diamantaire* that the UN move, designed to cut UNITA's economic lifeline, would not make the slightest difference to supplies of Angolan rough, coming into Belgium, which is the main market...One dealer, who wished to remain anonymous, said when buyers smuggle the rough out of Angola and land them in Belgium, they declare the origin of the goods as Congolese or South African and the Customs cannot tell where they are from.⁴⁹⁴

When Human Rights Watch visited Antwerp in October 1998, it found that a number of dealers were equally philosophical about where their Angolan diamonds originated.⁴⁹⁵ A journalist a few months later found the situation hadn't changed: "one confidential Antwerp diamond dealer revealed to the *New African* that he personally knows of at least one Antwerp-based dealer who are still buying and selling illegal rough Angolan diamonds, including those from UNITA."⁴⁹⁶ Western diplomats have told Human Rights Watch that they believe that \$20 million a month of illicit Angolan diamonds pass through Antwerp, a small figure for this trade.⁴⁹⁷ In its report on the Angolan diamond trade, the British-based NGO Global Witness concluded that:

⁴⁹³Eighty percent of the world's supply of rough diamonds go to Antwerp: 43 percent from the De Beers CSO; 30 percent from Africa; and 27 percent from Australia, Europe, North America, and the Near East. There are 190 Antwerp firms licensed to import rough diamonds.

⁴⁹⁴*Antwerp Confidential*, August 1998.

⁴⁹⁵Human Rights Watch interviews, Antwerp, October 15, 1998.

⁴⁹⁶*New African* (London), March 1999.

⁴⁹⁷Diplomatic source, London, April 22, 1999.

Angolan diamonds, which are being imported into Belgium, are being misdescribed as originating from other countries. The experts who work on behalf of the Ministry of Economic Affairs to check parcels are failing to spot the misdescribed parcels. It would seem this is because they are generalists and cannot identify Angolan gems. The Belgian government needs to take immediate action to train experts, or find others who can assist in implementing the UN embargo.⁴⁹⁸

UNITA's representative in Brussels has also admitted to the press that UNITA is still trading diamonds in spite of U.N. sanctions. "Yes we do mine diamonds...we have to survive economically," Azevedo d'Oliveira Kanganje said in 1999.⁴⁹⁹

Human Rights Watch has also been told that the Ukraine and India have become a market for packages of poorer quality diamonds from UNITA. These reports too merit further investigation. The chairman of the U.N. Sanctions Committee on Angola visited Kiev in July and discussed with officials the Ukraine's industrial capacity for the cutting and polishing of diamonds, which employs some 3,000 individuals, and the legal framework relating to diamond imports and exports. According to Ambassador Fowler Ukrainian officials said that purchasing diamonds from UNITA is specifically prohibited and individuals importing rough diamonds in the Ukraine without the necessary documentation risked prosecution and the confiscation of the diamonds. They also "stated categorically that import and export control provisions made the bartering of diamonds for weapons impossible."⁵⁰⁰

The Angolan government appears to have been reluctant to tighten up its system of Certificates of Origin. This may be because a number of senior government officials have played a significant role in unofficial diamond production in Angola, and this trade would be threatened by more rigorous controls.⁵⁰¹ Moreover, diamonds from UNITA-held areas have also been traded to government officials in significant quantities. In the period 1995-1998, Angolan government

⁴⁹⁸Global Witness, "A Rough Trade: The Role of Companies and Governments in the Angolan Conflict," *Global Witness Report*, December 1998.

⁴⁹⁹*Daily Mail and Guardian* (Johannesburg), July 16, 1999.

⁵⁰⁰Report on the Chairman's visit to Europe and Participation in the Seventieth Ordinary Session of the Council of Ministers of the Organisation of African Unity, July 1999," S/1999/829, July 29, 1999.

⁵⁰¹Endiama (Empresa Nacional de Diamantes de Angola) is the parastatal which issues diamond concessions. It is also responsible for issuing licenses to buyers, permitting them to buy unofficial production in Luanda and the provinces. It receives a 2.5 percent tax on all diamond exports.

officials regularly engaged in deals with UNITA, arranging local transactions while claiming in Luanda that the diamonds were obtained from mines in government areas. An employee of a senior Luanda-based government official admitted in August 1998 that he had engaged in sanctions-busting for his boss:

I fly up to the Lundas on behalf of my boss to look after his diamond trade. I deal with a couple of UNITA officials and we make business. No problem. When business is good, there is no war and I've never had problems. But I think war will return soon because UNITA needs to get more diamond areas. They are producing fewer diamonds this year and can't afford to share with the generals.⁵⁰²

In 1999 Human Rights Watch obtained reports that official Certificates of Origin are for sale in Luanda. This needs to be verified.⁵⁰³ Ambassador Robert Fowler of the U.N.'s sanctions committee also highlighted in his July 29 report the "importance of working with the Government of Angola to tighten controls on the buying and selling of diamonds within Angola and diamond exports, including through the redesign of government-issued certificates of origin."⁵⁰⁴

Diamonds mined from UNITA areas are not the only problem. An increasing number of diamonds from the Democratic Republic of Congo pass through Angola for onward sale. This is a result of attempts by President Kabila to control the diamond industry. In September 1998 the DRC government banned the use of U.S. dollars in economic transactions and announced in January 1999 that a national precious materials exchange had been created. The insistence that sellers accept only Congolese francs has resulted in a sharp decline in officially registered sales—\$16 million in February compared with \$35 million in December 1998.⁵⁰⁵

⁵⁰²Human Rights Watch interview, Luanda, August 1998.

⁵⁰³An Angolan trader in July 1999 boasted to Human Rights Watch that he could for a price obtain Certificates of Origin.

⁵⁰⁴"Report on the Chairman's visit to Europe and Participation in the Seventieth Ordinary Session of the Council of Ministers of the Organisation of African Unity, July 1999," S/1999/829, July 29, 1999.

⁵⁰⁵*The Mining Journal*, March 26, 1999.

Many diamonds have entered the black market and Human Rights Watch has spoken to traders that have used Angola, Rwanda, and Uganda as outlets for these stones.⁵⁰⁶ Stones enter Angola, including through UNITA areas, for resale. This makes it even more difficult to distinguish between diamonds originating in UNITA areas and other stones.

⁵⁰⁶Human Rights Watch interviews, London June 1999.

In October 1998, *Actual Fax* reported that the government was seeking a moratorium on diamond mining and smuggling of diamonds by government generals and officials as part of a Diamond Sector Stabilization plan.⁵⁰⁷ In early 1999 President dos Santos ordered a complete audit of Endiama, Angola's national diamond parastatal.⁵⁰⁸ The audit was aimed at placating requests by the International Monetary Fund for transparency in Endiama's accounts, but the company is reportedly also looking into the possibility of becoming involved in direct mining again—perhaps to the benefit of the De Beers company in a direct joint venture and at the expense of the small operators that mushroomed during the Lusaka peace.⁵⁰⁹

In May, Chairman and Managing Director of Endiama Paulino Neto was sacked after allegations that he had been diverting diamond revenue and diamonds.⁵¹⁰ An investigation is now underway to find out what happened. A new board has been appointed, with General Agostinho Dias as its chairman. The governor of the Angolan National Bank, Aguinaldo Jaime has also required diamond companies to deposit the funds from diamond sales in national banks.⁵¹¹

These policy changes will not provide the government with a sharp increase in diamond revenue, but these gestures have been welcomed by the IMF. The international market for diamonds has strengthened in 1999. Although De Beers reported in April that the global sales of rough diamonds in 1998 had reached an

⁵⁰⁷*Actual Fax* (Luanda), October 21, 1998.

⁵⁰⁸According to a U.S. intelligence assessment less than 25 percent of an estimated \$850 million of annual sales of Angolan diamonds are accounted for in official government revenues.

⁵⁰⁹*Africa Analysis* (London), no. 316, February 19, 1999.

⁵¹⁰According to Endiama and local press sources, Endiama officials had used Certificates of Origin and put false signatures and stamps on them to sell diamonds for his own benefit. Human Rights Watch interview, April 1999.

⁵¹¹*Africa Analysis*, June 25, 1999.

eleven-year low, it welcomed the fact that supplies of roughs from Angola had been “contained,” courtesy of renewed war.⁵¹² In June 1999, De Beers was more upbeat about the global market, reporting a 44 percent increase in sales to \$2.45 billion in the first half of 1999 of uncut stones compared with the previous year. Improving retail demand in the U.S. and Europe have helped this recovery. The war in Angola was again credited for helping to stem the number of Angolan rough stones on the open market.⁵¹³

De Beers' dominant position in the diamond market makes it an essential part of the implementation of the embargoes regime against UNITA. In assessing the implementation of the embargo, the Sanctions Committee should ask De Beers and its Central Selling Organisation to describe and document the measures taken by its buying offices with respect of the embargo. What steps are they taking to avert buying up illegal diamonds? The De Beers' Overseas Purchasing Department should be requested to make its records of purchases available for inspection by the U.N. Sanctions Committee; as well as records of suspect packages turned down by its buyers. Similarly De Beers should be asked to lend its technical expertise in the identification of the provenance of its rough diamonds to the Sanctions Committee.

⁵¹²*Wall Street Journal Europe* (Paris), April 10, 1999.

⁵¹³*Financial Times* (London), June 23, 1999.

The International Diamond Manufacturers Association (IDMA), which is comprised of ten member organizations which collectively employ 800,000 diamond cutters worldwide on July 5 issued a statement in support of Angola sanctions at its meeting in Moscow on July 5. It “urges all members of the diamond industry to refrain from purchasing any diamond originating from Angola without a certificate of origin issued by the government of Angola.”⁵¹⁴ The IDMA also invited the Chairman of the U.N.’s Sanctions Committee to address the World Diamond Congress 2000, to be held in Antwerp in July 2000.⁵¹⁵

Other Embargoes

Information on the progress of freezing UNITA bank accounts and the blocking of foreign travel by their officials (Security Council Resolution 1135, October 29, 1997) has been sketchy. Part of the problem has been the lack of quality information provided to the U.N. by Luanda. Human Rights Watch has seen a 1998 list, which records names of UNITA officials like “General Tarzan,” with no further details, such as age, passport details, and so forth. Such flimsy lists will not help the better implementation of sanctions.

⁵¹⁴IDMA, “Press Release,” Moscow, July 5, 1999.

⁵¹⁵“Report on the Chairman’s visit to Europe and Participation in the Seventieth Ordinary Session of the Council of Ministers of the Organisation of African Unity, July 1999,” S/1999/829, July 29, 1999.

On January 27, 1998 Russian President Boris Yeltsin signed a decree banning UNITA representatives and their adult relatives from entering Russia. The ban also included flights by UNITA aircraft or the leasing of Russian aircraft to UNITA.⁵¹⁶ In February 1999 Côte D'Ivoire declared the Ivorian passports held by senior UNITA officials, such as Lukamba Gato and Isaias Samakuva, null and void.⁵¹⁷ Much progress has also been made in the closing of UNITA's offices abroad (Security Council Resolution 1135, October 29, 1997). In 1997 and 1998 UNITA's offices in Lisbon, London, Brussels, Stockholm, Washington, DC, and New York ceased to function, and the French government stopped UNITA official Isaias Samakuva from making public statements in Paris by telling him on February 23, 1999 that he would be expelled. In May France said the expulsion was still under consideration.⁵¹⁸ The additional package of restrictions on air and sea travel to UNITA zones and the prohibition of direct and indirect export of "unofficial" Angolan diamonds, defined as those not accompanied by a Certificate of Origin by the Angolan government (Resolution 1173, July 1, 1998) remains, as we have seen above, an area of frequent violation.

U.N. Monitoring

The U.N. monitoring of the embargoes on UNITA has not been very systematic. MONUA did draw up a list of sanctions-busting planes and their identification marks where observed. One U.N. official working in UNITA's Lumege quartering area described how a DC-4 landed on the airstrip there in September 1997 and unloaded crates:

This old plane landed and we saw lots of crates being unloaded. It could have been guns, but UNITA did not invite us to look inside the crates. All we could do was record that a plane landed and unloaded cargo.⁵¹⁹

MONUA denied Human Rights Watch access to its register of sanctions-busting flights at MONUA headquarters.⁵²⁰ A senior MONUA official told Human Rights Watch that only a rough list existed, saying "we don't even know if the names are true."⁵²¹ A senior MONUA military commander stationed in eastern Zambia explained the methodology in documenting sanctions busters in August 1998:

⁵¹⁶SAPA, January 27, 1998.

⁵¹⁷Televisão Publica de Angola, Luanda, in Portuguese, 1930 gmt, February 22, 1999.

⁵¹⁸Ibid; Reuters, May 11, 1999.

⁵¹⁹Human Rights Watch interview with Danielle Faure, Paris, November 1, 1998.

⁵²⁰MONUA official, Luanda, August 1998.

⁵²¹MONUA official, Luanda, August 1998.

We see these planes at great distance and UNITA never allows us to get close. Our figures are based on overflights also, even high-altitude ones. If we do not expect a flight, we put it down as a sanctions-busting sighting.⁵²²

⁵²²Human Rights Watch interview, Luanda, August 1998.

MONUA has complained that the Angolan government has habitually failed to provide details of sanctions-busting firms or airstrips. It often spoke in general terms and never provided a list of planes with permits to operate in Angola.⁵²³ Only in 1999, as the war with UNITA was reignited, did the Angolan government become more specific in its allegations of sanctions-busting, especially with regard to Zambia.

Human Rights Watch has recorded one plane on a U.N. list having been impounded in Luanda. An Antonov-26 (registration number UR-26016), a Ukrainian-owned plane of Motor-Sich Airways, had reportedly carried out flights into UNITA-controlled areas after the imposition of U.N. sanctions. It was detained at Luanda airport upon its arrival from South Africa. According to Motor-Sich Airways manager Valentyn Shyrochkin, the AN-26 had been chartered by the South African SG Corporation for flights in Africa since October 1997.⁵²⁴

The U.N. has also been powerless to deal with arms flows on the government side that have not been declared. It could only complain about them in the Joint Commission, the U.N.-chaired mechanism for the discussion of complaints in the peace process. The U.S., which has the technology and intelligence assets to greatly improve monitoring, has used its resources sparingly, and has used its information on an erratic basis. This did result in UNITA and government procurement patterns changing to avoid continued detection, but it never stopped the flows.⁵²⁵ Issa Diallo, the U.N. special envoy for Angola on July 6, 1999 concluded the U.N.'s embargo implementation failed because:⁵²⁶

⁵²³MONUA official, Luanda, August 1998.

⁵²⁴Motor-Sich is based in the town of Zaporizhyya in the Ukraine. On May 18, 1998, Shyrochkin said he would seek an out-of-court settlement on the impounded AN-26. He also announced that his firm had signed an agreement on repair and maintenance for 150 aircraft engines in Angola. This appears to have been a deal to get the plane released and the charges dropped. *Infobank* (Kiev), May 18, 1998.

⁵²⁵Human Rights Watch interviews with diplomatic sources, Luanda, August 1998.

⁵²⁶Issa Diallo, File on Four. BBC Radio 4, July 6, 20:38 gm.

There is a lack of political will. The financial assistance was there. The general way was there. But the political way was not there. And you can multiply the financial contribution made by ten. You will not be successful if the political will is missing.

Sanctions Committee

As we have seen above, one of the major causes of the new crisis in Angola has been the failure to implement the U.N. embargo packages on Angola. The current chair of the Angola Sanctions Committee, Ambassador Robert Fowler of Canada, described the embargoes on UNITA as, "like traffic rules. But nobody enforced them, people drove where they wanted and parked all over the place. It was a complete disaster."⁵²⁷

There are three packages of sanctions on the UNITA rebels: the ban on military equipment and petroleum products (Resolution 864, 1993); the blocking of foreign travel by its officials, and closing of its offices abroad (Resolution 1127 of 1997); and restrictions on air and sea travel to UNITA zones, the freezing of UNITA bank accounts, and the prohibition of direct and indirect export of unofficial Angolan diamonds (Resolution 1173 of 1998).

When it imposed its 1993 arms and oil embargo, the Security Council established a sanctions committee to examine reports countries were asked to submit regarding their obligations under the embargo, and to consider information it received concerning violations. The committee also had a mandate to promulgate guidelines to implement the embargo. In practice, the committee remained passive and only at its fourth meeting, held on November 12, 1993, decided to take the very timid step of sending a "special appeal" to the countries neighboring Angola and several others in the region "that might have the ability to monitor air and sea traffic in the region, for information on reported or suspected violations of the mandatory sanctions with respect to UNITA." Letters were sent to Botswana, Congo, Namibia, South Africa, Zaire, and Zambia, and by mid-1994 replies had been received from all except Zaire.⁵²⁸ Precious little action ensued, and the Security Council continued to refrain from acting against governments suspected of violating the embargo.

⁵²⁷Ambassador Robert Fowler to International Development Committee, House of Commons, London, July 6, 1999.

⁵²⁸U.N. document, S/1996/37, January 17, 1996.

During a visit to Angola in March 1998, the Sanctions Committee's president, Njungana Mahugu, stated that his presence in the country was to demonstrate the continued activity of the committee and the U.N.'s determination to implement the sanctions fully.⁵²⁹ He also said that "if the situation merits it, the sanctions will be lifted. But be quite clear, that if this is not the case, the Security Council is ready to take further measures against UNITA."⁵³⁰ After the Angola visit Mahugu visited Zambia in April, concluding that there was no evidence of Angolan allegations of sanctions-busting there.⁵³¹ In mid-April he visited Côte D'Ivoire to ask the government to tighten up on its issuing of travel documents to UNITA's leadership.⁵³²

By February 1999 the Sanctions Committee had received replies from fifty-seven states in regard to the implementation of resolution 1127 (1997) and thirty-three states on the implementation of resolution 1173 (1998). A reminder was sent out to all states on January 27, 1999 stressing the importance of their taking legislative action to implement the measures imposed on UNITA and requesting those states that had not yet replied to do so as soon as possible.⁵³³

In January 1999 a new president of the Angola sanctions committee was appointed, Robert Fowler, Canada's permanent representative to the U.N. and one of the ten non-permanent members of the Security Council in 1999. On January 20 the committee held its first meeting after having been briefed by the NGO Global Witness and others on sanctions busting. The committee also commissioned a report on the progress of the sanctions regimes. This report was approved by the Security Council on February 18.⁵³⁴ In its recommendations the committee called for:

- A list of all registered aircraft in Angola from the Angolan government.
- Additional information on senior officials of UNITA, including UNITA representatives abroad, and adult members of their immediate families from the Angolan government.
- Copies of authorized stamps and signatures for diamond Certificates of Origin from the Angolan government.

⁵²⁹*Jornal de Angola* (Luanda), March 20, 1998.

⁵³⁰Reuters, March 22, 1998.

⁵³¹ZNBC radio, Lusaka, in English, 1115 gmt, April 10, 1998.

⁵³²SAPA-AP, April 16, 1998.

⁵³³Canadian diplomat, New York, February 5, 1999.

⁵³⁴U.N. document S/1999/147, January 21, 1999.

- Governments of countries with companies that are major traders in the diamond industry and have expert monitoring facilities to notify the committee and relevant enforcement agencies of any trader or company that offers them illegal Angolan diamonds, as well as diamonds originating from states neighboring Angola.
- Member states to provide information on illegal arms flows, the illicit trade in diamonds, and the supply of petrol and petroleum products to UNITA.
- The commissioning of expert studies to help the committee obtain better information on embargo violations.

Given the ineffectiveness of the Angola sanctions committee in the past, this was a positive start. On May 7 the U.N. Security Council authorized the establishment of two panels of experts to investigate violations of the sanctions imposed on UNITA. On the request of the chairman of the committee, the investigations are mandated for six months. One panel will investigate violations of the arms embargo and the other violations related to the supply of petroleum, the export of diamonds, and the movement of the rebel movement's funds. Fowler also recommended that the team investigating sources of revenue, funding, and petroleum supplies have six members, while the arms violation team have four, all chosen on the basis of expertise. An interim report on the panel's work will be due by July 31.⁵³⁵ The work of the committee is to be funded by a trust fund established for the purpose, although Ambassador Fowler told Human Rights Watch that the U.N. had allocated U.S.\$1 million from internal funds for its work.⁵³⁶ The ten-person composition of the two expert panels was announced at the end of July.⁵³⁷

⁵³⁵U.N. Security Council Resolution 1237, May 7, 1999.

⁵³⁶Human Rights Watch interview with Ambassador Fowler, London, July 7, 1999.

⁵³⁷Fowler told Human Rights Watch that there would be no journalists, business people, or NGOs on the panels. This is not strictly correct, Human Rights Watch knows that at least one person from a multinational oil company that was invited to join the panel.

The composition of Panel One (*Sources of Revenue, Funding and Petroleum Supplies of UNITA*) is: Ambassador Anders Mollander - Chairman (Sweden), a former ambassador to Angola (1992-95) and Head of Southern Africa Group, Ministry of Foreign Affairs; Stanlake Samkange—Rapporteur (Zimbabwe), a former U.N. official; Hannes George McKay—diamonds (Namibia), Detective Chief Inspector, Protected Resources Unit, Ministry of Mines and Energy; Olivier Vallee—finance, an independent consultant; Robert Cowieson—petroleum (United Kingdom), Business Director and Development Manager, Reservoir Research Limited; Oleg Ivanov—travel, representation abroad (Russian

Federation), Deputy Director, Department of Economic Cooperation, Ministry of Foreign Affairs.

Panel Two (*Sources of Military Support to UNITA*) is: Col. Otisitswe Broza Tiroyamodimo—Vice-Chairman (Botswana), Deputy Brigade Commander; formerly Deputy Regional Commander, UNOMOZ in Mozambique; Melvin E. Holt, Jr. -customs (United States), Senior Special Agent, U.S. National Central Bureau, Interpol—U.S. Department of Justice; Member, U.N. International Commission of Inquiry on Rwanda (1996 and 1998); Gilbert Barthe—customs (Switzerland), customs expert; U.N. International Commission of Inquiry on Rwanda (1996-97, 1998); Control Expert, Export/Import Monitoring Group, Baghdad (1997); Benny Lombard—small arms (South Africa), Deputy Director for Arms Export Control and Regional Arms Matters, Department of Foreign Affairs. Member, U.N. Panel of Governmental Experts on Small Arms (1996-97) and the U.N. Group of Governmental Experts on Small Arms (1998-99).

In addition, several governments in the sub-region offered their technical expertise on diamonds to the panels through their diamond boards or relevant ministries. The contact person for South Africa is Victor Sibiyi, Chief Executive Officer, South African Diamond Board.

Between May 10 and 28 Ambassador Fowler visited Angola, Namibia, Botswana, Zambia, Zimbabwe, South Africa, Zambia, and the Democratic Republic of Congo. This Southern Africa trip was to add impetus to the initiative. Following his return, on June 4, a detailed report of recommendations was presented by Ambassador Fowler to the president of the Security Council.⁵³⁸ His report includes fourteen recommendations to strengthen the sanctions regime against UNITA. The key recommendation is sending sanctions monitors to the region—customs administration experts—as well as border monitoring experts, who would travel widely to discuss with police, citizens, airport managers and others about what is happening along the roads and at airports and airstrips. Recommended also were increased air surveillance, improved interdiction of flights, and a variety of recommendations relating to the diamond trade, including ways to improve diamond business management.⁵³⁹

⁵³⁸“Letter Dated 4 June 1999 From The Chairman Of The Security Council Committee Established Pursuant To Resolution 864 (1993) Concerning The Situation In Angola Addressed To The President Of The Security Council,” S/1999/644, June 4, 1999, pp.1-20.

⁵³⁹These were: I) U.N. sanctions monitors with expertise in customs inspection deployed mostly in Africa, also Ukraine; II) Intelligence sharing by U.N. member states with the U.N. Security Council; III) Air surveillance/interdiction of UNITA supply flights; IV) U.N. Sanctions Committee/Southern Africa Development Community collaboration; V) Two Interpol African sub-regional bureaus working with Sanctions Committee; VI) Senior representatives of Antwerp Diamond High Council, Israeli Diamond Exchange and CSO to liaise with Sanctions Committee and expert panels; Explore measures including requirement

of all diamond-producing countries to introduce standardized and credible certificates of origin; VII) Expert monitors at major diamond exchanges; VIII) Legislation in Angola and neighboring countries criminalizing violation of sanctions; IX) U.N. Secretary General/UNSC president briefing for member states on application of sanctions; X) Political profile at summits and major ministerial meetings; XI) Industry associations to sensitize members; XII) Expert panels empowered to commission research; XIII) Expert panels to identify best practice (e.g. inter-departmental committees in Botswana and Namibia); Collaboration with U.N. Commission on Human Rights over use of mercenaries.

A second report by Ambassador Fowler was presented to the Security Council on July 29. This report contained five further recommendations: that donor states provide financial and material assistance to the Southern African Development Community to assist its efforts to implement the sanctions; that the E.U. and the North Atlantic Treaty Organization should ensure that compliance with the sanctions is among the criteria for accession by new members; that the World Customs Organization should be invited to collaborate with the committee's expert panels; that Interpol should be invited to set up an informal working group; and that interested states should work to harmonize procedures and documentation for the import and export of rough diamonds, possibly through the World Customs Organization.⁵⁴⁰

Many of Ambassador Fowler's recommendations are useful. To be successful, however, they will need to be sharpened. The success of Fowler's recommendations will depend in large part on the quality of the appointments to the expert investigative panels he has proposed. These panels need to include people who understand how to work with NGOs and will be accessible to those who want to provide information (by phone, fax and e-mail). The U.N. monitors working with them need to be mobile and not tied down by bureaucracy and diplomatic protocol. If their efforts are blocked by any government or organization this should be made public. As much of the weapons and illicit diamond trade is centered on Europe, these monitors need also to visit the Ukraine and Bulgaria and to have the assistance of Interpol in Europe. Finally, just as Fowler recommends a call upon the diamond trade to assist in the enforcement of the embargo on UNITA's diamond sales, multinational oil companies should be approached to assist in providing information on any suspicious bulk sales of petroleum. This should include monitoring supplies to oil refineries in East Africa, particularly Kenya and Tanzania.

⁵⁴⁰Report on the Chairman's visit to Europe and Participation in the Seventieth Ordinary Session of the Council of Ministers of the Organisation of African Unity, July 1999," S/1999/829, July 29, 1999.

On July 6 Fowler visited Britain at the start of a European fact-finding tour at the diamond exchanges in London and Antwerp, with a view to further recommendations to the Security Council. Fowler told Human Rights Watch that he has won over the diamond companies such as De Beers. "The pitch was very simple," Fowler said of his meetings with De Beers chairman, Nicky Oppenheimer, and its Angola managing director, Ollie Oliveira: "Does the diamond industry want to be part of the problem or part of the solution in this business? And I'm happy to say we received unanimous commitment to support sanctions."⁵⁴¹ Fowler said that while "[i]t is impossible to stop a small bag of diamonds finding a market.... what we might be able to do is make it more expensive for Savimbi to sell them and thus lower his revenue, and by lowering revenues reduce his arms purchases."⁵⁴²

Fowler also attended the Organisation of African Unity Heads of Government summit in Algiers to explain his recommendations to the OAU members. Fowler urged African leaders to enact legislation making sanctions violations a criminal offense. He also visited the Ukraine to seek data from officials about what he called anecdotal evidence of UNITA arms sources there.

Fowler expects the entire sanctions committee to study his recommendations and by the end of the year to adapt a plan of action reflecting them. Canada has played an important role already as a proponent of small-arms restrictions at the U.N. and this experience should help its efforts to more systematically enforce U.N. embargoes.

⁵⁴¹Human Rights Watch interview with Ambassador Fowler, London, July 7, 1999.

⁵⁴²Ibid.

X. THE UNITED NATIONS

The United Nations Angola Verification Mission (UNAVEM II) was established on May 30, 1991 by Security Council Resolution 696. This extended the U.N.'s mandate beyond overseeing the Cuban withdrawal from Angola to monitoring the implementation of the Bicesse Accords. UNAVEM I's mandate was completed with the final withdrawal of Cuban troops in 1991. UNAVEM II's mandate was to monitor the demobilization of government troops and UNITA guerrillas. It also participated in several of the monitoring commissions. However, both sides had negotiated that UNAVEM II would not be given the power to enforce compliance with the military and political process and it was also given only limited resources, a budget of \$118 million. A total of only 350 military observers and 126 police observers were deployed. The then-special representative, Margaret Anstee cogently compared her position of having limited resources and mandate with "fly[ing] a 747 with only the fuel for a DC 3."⁵⁴³

UNAVEM II became a text book example of the sort of peacekeeping operation that should not occur. It was powerless to intervene when it became evident early on that both sides failed to comply with the demobilization plan of the "self-implementing" Bicesse accords. As the election approached, demobilization was badly behind schedule. Only 37 percent of government troops and 85 percent of UNITA troops had nominally been quartered in the forty-eight established cantonment areas by the August 1, 1992 deadline. Only 8,800 had been integrated into the new joint army, FAA.

Because the formation of the FAA was a precondition for the elections going ahead, it was symbolic created on September 27, two days before the elections. Both sides were not only uncooperative in the demobilization process, but evidently maintained secret armies in violation of the Bicesse Accords. The government also openly created its new paramilitary police force, the "Ninjas."

After the elections, UNAVEM II's efforts shifted to trying to stop a return to conflict, by January 1993 undertaking a mediation role in a series of efforts aimed at reaching a negotiated settlement. In June 1993, Margaret Anstee retired and former Malian foreign minister Alioune Blondin Beye replaced her. In November 1993, a new round of peace talks began in Lusaka, chaired by Beye. By this stage the U.N.

⁵⁴³*Financial Times* (London), May 11, 1992. This was a play on words, a reference to U.N. Security Council Resolution 747, establishing UNAVEM II's mandate.

and international community were determined that any future U.N. operation would learn from the mistakes of UNAVEM II, namely that the U.N. would have sufficient resources for the job and that UNITA's army would demobilize properly prior to any election. It was also recognized that there should be a transitional period of reconciliation and power-sharing before any election could take place. There was no acknowledgment that the U.N.'s determination to monitor silently—without public exposure of violations of the agreement—was the heart of its failure.

In February 1995, three months after the signing of the Lusaka Protocol, the security council agreed to mount a new peacekeeping operation in Angola.⁵⁴⁴ UNAVEM III had an authorized military contingent of up to 7,000 personnel. The Lusaka Protocol and the much larger and better resourced UNAVEM III was aimed at making good on the perceived mistakes of UNAVEM II, namely what was acknowledged to have been too small a U.N. mission with too limited resources and a “winner past the post” goal that encouraged competition and hostility.⁵⁴⁵ Reconciliation, power-sharing, and a blind-eye to both sides abuses would be the foundation blocks of UNAVEM III and diplomatic strategy.

The U.N. Security Council in August 1995 extended UNAVEM III's mandate for six months to February 1996. In a climate of international frustration over peacekeeping, there was strong pressure, particularly from the U.S., not to allow the operation to drag on indefinitely. Largely for this reason, UNAVEM III's mandate was renewed for only short periods in 1996 and 1997, making long-term planning difficult.⁵⁴⁶

It had been originally planned that UNAVEM III would complete its mission in February 1997. However, due to slippage in the Lusaka Protocol's timetable the plan changed to a phased withdrawal. Four of the six infantry battalions, together with additional support units and some military headquarters personnel were

⁵⁴⁴Security Council Resolution 976 (1995).

⁵⁴⁵See the U.S. State Department's lessons learned on UNAVEM II: INR, “Conflict Resolution in Africa: Lessons from Angola,” Washington D.C., April 6, 1993.

⁵⁴⁶For a background on the U.N. in Angola see, Margaret Anstee, *Orphan of the Cold War: the inside story of the collapse of the Angola peace process* (London: Macmillan, 1996) and Alex Vines, “Angola and UNAVEM III,” in Centre for Defense Studies (ed), *Brassey's Defense Yearbook Book 1997* (London: Brassey's, 1997) pp.257-273.

repatriated by June. The remainder were to have left by August, but this withdrawal was postponed because of the deteriorating security situation.

The end of June 1997 saw the end of the mandate of UNAVEM III, when the operation was replaced by the United Nations Observer Mission to Angola (MONUA).⁵⁴⁷ MONUA was comprised of 1,500 "rapid reaction troops," deployed in six companies to assist 345 Civilian Police (CIVPOL) and just eighty-five military observers. The Security Council ruled in August that the drawdown of MONUA was to be completed by the end of November. However, the deadline was subsequently extended until late January 1998.⁵⁴⁸ In the end, despite repeated postponements combined with U.N. sanctions against UNITA, it appeared that neither side was any longer susceptible to U.N. or outside pressure. This was a key indicator in 1998 that both sides had decided that renewed war was their preferred choice.

The plan for 1998 was to complete the withdrawal of the military component of MONUA from Angola. However, four infantry units with a total strength of up to 910 personnel were to remain for deployment in strategically important regions. After that, MONUA would become the unarmed observer mission that it was originally intended to be, with the Angolan government taking over responsibility for the security functions that MONUA's troops provided for U.N. and humanitarian personnel.

In 1998 MONUA's Division of Political Affairs was intended to operate at mandated strength, and its officers "would continue to be stationed in all provinces to verify the normalization of State administration, participate in local conflict-resolution mechanisms and provide good offices."⁵⁴⁹

In the first half of 1998, the mandate of MONUA was extended to June 30. The U.N. security council also endorsed an expanded deployment of eighty-three civilian police observers, and the complete withdrawal of all military personnel by July 1, except for one infantry unit, a helicopter unit, the signals and medical support units, and ninety military observers. The council expressed its intention to

⁵⁴⁷Security Council Resolution 1118 (1997).

⁵⁴⁸"Report of the Secretary-General on the United Nations Observer Mission in Angola (MONUA)," S/1997/959, 4 December 1997.

⁵⁴⁹Ibid.

take a final decision by June 30 on MONUA's mandate, size, and organizational structure. It would also decide whether a follow-on U.N. presence would be needed after that date, based on further recommendations to be submitted by the secretary-general by June 17, 1998.⁵⁵⁰

Because of the deteriorating security situation on July 1, the U.N. renewed the mandate of MONUA for two months, up to August 31, and then for a further thirty days. On October 15 the mandate was extended for a further six weeks, by which time Angola was back at war. On December MONUA's mandate was extended to February 26, 1999. In December, because of fighting and an increasing number of incidents of harassment of MONUA staff, the U.N. decided to relocate all U.N. team sites to safer areas. It was also in this December-January 1999 period that two U.N. aircraft, with a total of fifteen passengers and eighteen crew were shot down in areas of active military operations.

The U.N. could not politically afford in 1998 to pull out in this deteriorating context, but was threatening to do so in an attempt to bluff the two sides into being more compliant. In the early phases of the Lusaka peace process this had some impact, but over time both sides became virtually immune to U.N. pressure. By early 1999 following the outbreak of war and the shooting down of two U.N. aircraft, the secretary-general decided that MONUA could do no more. In his report to the Security Council in January, he wrote:

42. Obviously, the Organization cannot impose its presence on the Angolan parties, nor can it play an effective role without their cooperation. The United Nations came to Angola at their explicit request and can be proud of what is accomplished. It has brought four years of relative peace, the longest period Angola has enjoyed since its independence. However precarious and imperfect that peace may have been, the UNAVEM III and MONUA provided to the Angolan parties ample political space to reach a peaceful solution and achieve national reconciliation. It is estimated that, the United Nations, its programs and agencies have also contributed up to U.S.\$1.5 billion in support of the peace process. History will, of course, pass judgement on the reasons for which this unique opportunity was missed. In the meantime, however, the parties and

⁵⁵⁰“Report of the Secretary-General on the United Nations Observer Mission in Angola (MONUA),” S/1998/333, April 16, 1998.

their leaders must assume full and direct responsibility for the suffering of their people.

43. In these circumstances, I believe that MONUA has no other option but to continue to reduce its presence within Angola, and proceed with the orderly repatriation of United Nations personnel and property as requested by the Angolan Government.⁵⁵¹

⁵⁵¹“Report of the Secretary-General on the United Nations Observer Mission in Angola (MONUA),” S/1999/49, January 17, 1999.

The secretary-general's key recommendation, to terminate MONUA's mandate on February 26 and have an orderly phased withdrawal over the following six months, did not find favor amongst the Security Council members, African ambassadors to the U.N and international and domestic NGOs inside Angola. It was felt that whatever MONUA's failings, a small multidisciplinary successor operation was appropriate. Not least to signal that the international community was not washing its hands of the Angolan crisis. This lobbying effort and two days of heated debate resulted in a Security Council presidential statement on January 21 calling on the government of Angola to reconsider its opposition to having U.N. peacekeepers remain in the country. The council underscored "the great importance it attaches to a continued multidisciplinary presence of the United Nations" in Angola.⁵⁵²

However, the Angolan government continued to oppose this option. Higinio Carneiro, deputy minister for Territorial Administration, told parliament that "[t]he government will not accept the continued presence of any member of the United Nations observer mission in Angola."⁵⁵³ Parliament responded with two motions, one urging the government to terminate the U.N. mission and another blaming the U.N. for the slide back to war.

Despite intense diplomatic lobbying, the government failed to budge on its desire to see MONUA out, and MONUA's mandate finally expired on February 26.⁵⁵⁴ The task of withdrawing the U.N. from Angola would take over six months and a substantial number of administrative, logistical, and other personnel, as well as a small medical unit would remain to see it through.⁵⁵⁵ The withdrawal would

⁵⁵²"Presidential Statement," S/PRST/1999/3.

⁵⁵³*Jornal de Angola* (Luanda), January 29, 1999.

⁵⁵⁴U.N. Press Release SC/6650.

⁵⁵⁵The July 1, 1999 to June 30, 2000 budget for MONUA (A/53/937, May 5, 1999) was approved by the General Assembly's Vth Committee on May 25. The budget provided for a significant number of administrative/logistical staff to remain in Angola to complete the closure of the program by the end of October 1999 (ninety-three international civilian/ U.N. Volunteers in July; seventy-five in August; thirty-six in September; fifteen in October). The

also require retaining for up to three months about thirty staff officers and a dozen police. The U.N.'s hope at the time of writing is that during this protracted liquidation phase the government will have a change of heart and be able to negotiate some sort of new small multidisciplinary mission.

The U.N. special representative in Angola, Issa Diallo, left Angola on March 15, marking the end of the U.N. peacekeeping operation. "The U.N. did what it could in Angola and it is not abandoning this country, it is just pulling back," Diallo told journalists at Luanda airport.⁵⁵⁶ Diallo remains in New York as the U.N. special envoy on Angola. On March 25 the Security Council president issued a statement on Angola, expressing particular concern at the "serious deterioration of the political, military and humanitarian situation in Angola."⁵⁵⁷ This call was reiterated in a statement by Security Council President Alain Dejammet of France on April 14 who called on both sides to cooperate in improving the humanitarian situation by giving access to humanitarian aid.⁵⁵⁸

On June 7 U.N. Secretary-General Kofi Annan "expressed deep concern at the deteriorating humanitarian situation in Angola where the extremely precarious security situation now requires the distribution of most humanitarian aid by air, an effort threatened by lack of funding." Kofi Annan also appealed for access to all those in need of assistance and called on both parties to end the conflict and to take "necessary steps to safeguard the lives of the civilian population."⁵⁵⁹

U.N. special envoy for Angola Issa Diallo returned to Angola on June 17 for two days of talks with the Angolan authorities about a follow-on U.N. mission from MONUA. Diallo, accompanied by U.N. under-secretary general for peacekeeping Benard Miyat, met on June 18 with Angolan Foreign Minister João Miranda. After briefing the Security Council on what occurred in Luanda, Miyat announced that an agreement in principle had been reached with senior Angolan officials on a small U.N. mission that would include political, information and humanitarian components. However, "there was no agreement yet, on military observers or human rights monitors," but more discussions were expected to follow.⁵⁶⁰ According to diplomats the U.N. has, after a bureaucratic mixup, budgeted for the Human Rights Division to remain operational to the end of August, while the drawing down of MONUA is budgeted until the end of October. Miranda told the delegation that he needed to present the U.N.'s proposals to the Council of Ministers and that he would then report back. In an interview to the press Miranda signaled that his government would consider a follow-on mission as long as it was small, "reflected on past

⁵⁵⁶AP, March 15, 1999.

⁵⁵⁷Security Council Press Release SC/6658, March 25, 1999.

⁵⁵⁸In U.N. Daily Highlights, April 14, 1999, retrieved from www.un.org.

⁵⁵⁹Press Release SG/SM/7020 AFR/147, June 7, 1999.

⁵⁶⁰"Security Council members welcome continuing UN-Angola talks on UN's future role in country," Daily Highlights, June 22, 1999, www.un.org/News/dh/latest.htm.

errors,” and was limited to human rights institutional capacity building and humanitarian assistance.⁵⁶¹

Minister Miranda replied on June 29 in a letter to the secretary-general of the U.N. He wrote:

Under present circumstances, a United Nations presence can be of significant utility and be consistent if it is limited within the framework of humanitarian aid and in helping reinforce the institutional capacity of the government in the area of Human Rights. Toward this end, a total of thirty persons was proposed who would deal with the aforementioned questions and would be integrated within the structures of the UNDP.

⁵⁶¹*Público* (Lisbon), June 22, 1999.

Your Special Envoys transmitted to me a proposal for fifty to sixty persons to deal with political, military, humanitarian aid and human rights issues. This proposal not only goes beyond the government's proposal in numbers, but it agrees in its essence neither with the nature of the Angolan government's proposals nor with its scope of action.⁵⁶²

Secretary-General Kofi Annan met Minister Miranda during the Organization of African Unity summit in Algiers in July to further discuss the future of the U.N. in Angola. Minister Miranda on July 26 sent a second letter to the Secretary-General indicating that following the Algiers talks his government had agreed to a Security Council, (not UNDP), presence.⁵⁶³ Secretary-General Kofi Annan replied to the Miranda letter on August 2 stating that "the overall tasks of the United Nations would be to liaise with the relevant authorities, with a view to explore effective measures for restoring peace, as well as to assist the Angolan people in the area of capacity-building and promotion of human rights and to coordinate other activities."⁵⁶⁴ The U.N. mission would have thirty professional staff (and additional support staff), with human rights as its biggest component, but also a few military and political officers, a public information specialist, interpreters, and a legal advisor. It is likely to have a short but renewable mandate of several months at a time.

⁵⁶²Letter by João Miranda addressed to Kofi Annan, dated June 29, 1999, copy on file at Human Rights Watch.

⁵⁶³Copy of letter on file at Human Rights Watch. Minister Miranda wrote, "Further to the last working session we held alongside the 35th OAU Summit in Algiers. I have the honor to inform you that my government appreciated positively the results of our meeting. Accordingly, conditions are now created for the the signing of the framework Agreement [sic] which will enable the Antenna of the United Nations to start functioning."

⁵⁶⁴Copy of letter on file at Human Rights Watch.

In an admission that the Lusaka peace process was over, and that a new mediation effort needed to begin, U.N. Secretary-General Kofi Annan inaugurated on July 28 a fourteen nation committee to promote a peaceful settlement of the Angolan conflict, using bilateral and multilateral interventions among the warring parties.⁵⁶⁵

The members of the committee, known as the Committee of Friends for Angola, include the five permanent members of the Security Council (China, France, Russia, United Kingdom, and the United States) and six African countries—Côte D'Ivoire, Gabon, Morocco, Namibia, Nigeria, and Zimbabwe.

Humanitarian Aid Corridors

The most pressing priority for U.N. agencies in 1999 is to get unhindered access for relief efforts. According to the U.N. by April 1999, 1.6 million people have been displaced by the conflict, including 680,000 in 1998. The U.N. agencies do not presently have access to fourteen out of eighteen provinces.⁵⁶⁶ Ramiro da Silva and Martin Griffiths, the deputy to the under-secretary-general for humanitarian affairs visited Luanda in March to have talks with the government on opening up humanitarian corridors and presented the government with a “non-paper”—a formal document with no official status—on the issue.⁵⁶⁷ The government responded that it did not believe in any contact with UNITA as this would legitimize the rebels. On April 2 in London the World Food Program called upon the government and rebels to accept the creation of humanitarian corridors so that relief could be effectively distributed.⁵⁶⁸ The U.N. would also like to do a comprehensive humanitarian needs assessment in government and UNITA-controlled areas. However, on April 6 the Angolan government turned down this appeal saying the timing was not right and that the government would eventually open its own corridors.⁵⁶⁹ The urgency of safe humanitarian corridors was underscored on April 15 when six aid workers were killed in an ambush on a road

⁵⁶⁵PANA news agency, July 29, 1999.

⁵⁶⁶Ibid.

⁵⁶⁷Human Rights Watch has a copy of this “non-paper” on file.

⁵⁶⁸*Público* (Lisbon), April 3, 1999.

⁵⁶⁹AP, 6 April, 1999.

south of Luanda between Lobito and Sumbe, when they were on their way to a meeting to discuss help for newly displaced people.⁵⁷⁰

⁵⁷⁰*Jornal de Notícias* (Lisbon), April 20, 1999.

A second, similar attack occurred on June 12 when two humanitarian workers were killed and two injured near Barraca, Bengo province. The workers, of the NGO Instituto Portugues de Medicina Preventiva were ambushed by an armed group while they were carrying out a polio eradication campaign and driving in clearly identified vehicles. The attackers were reported to have taken some items and set fire to the vehicles. U.N. Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Sergio Vieira De Mello on June 16 issued a statement urging the Angolan government and UNITA rebels to take immediate measures to bring those responsible for the act to justice and to improve the security and protection for humanitarian workers.⁵⁷¹ A further attack on an aid convoy occurred on July 20 between Lucala and Samba Caju, on the six hundred kilometer journey from Luanda to Uige. Many people were killed and about thirty vehicles destroyed, including a vehicle belonging to the Catholic aid agency Caritas International.⁵⁷²

The government slightly softened its position in July over humanitarian assistance to areas controlled by UNITA. President dos Santos agreed to let the U.N. humanitarian assistance unit (UCAH) and the International Committee of the Red Cross contact UNITA about conducting a polio vaccination drive in rebel areas.⁵⁷³ On August 10 the government softened its position further and announced that it would authorize the opening of “humanitarian corridors” under the auspices of the ICRC to ease the transport of emergency aid to the war.⁵⁷⁴

⁵⁷¹PANA, June 16, 1999. Food distribution is also becoming more dangerous. In early June a group of gunmen in Menongue threatened World Food Program staff and stole ten tons of maize, resulting in the suspension of food distribution. *WFP Emergency Report*, Report No.23 of 1999, June 11, 1999.

⁵⁷²Reuters, July 20, 1999.

⁵⁷³Reuters, July 16, 1999.

⁵⁷⁴Lusa (Macão), August 10, 1999.

The World Food Program on June 23 appealed for international donors to provide \$40 million to stave off imminent famine in Angola.⁵⁷⁵ This followed a joint warning on June 17 with the Food and Agriculture Organisation (FAO) that over 1.7 million Angolans face malnutrition from a combination of war and an insufficient donor response to the crisis.⁵⁷⁶ Donor reaction was poor to this appeal so on July 19 the World Food Programme pleaded for more funding, asking for \$5 million so it could continue to fly emergency relief flights to several besieged towns, such as Huambo and Kuito.

U.N. Radio Station

One of the great failures of UNAVEM II was its failure to create a neutral independent information source which people could have trusted. The May 1991-September 1992 period, for example, was notable for the dissemination of hostile propaganda by both the government's Rádio Nacional and UNITA's Vorgan. Both fomented violence and intolerance. Margaret Anstee, the U.N. special representative in Angola at that time, later decried the failure to have set up an independent U.N. radio station:

⁵⁷⁵Lusa (Macão), June 23, 1999.

⁵⁷⁶IRIN—Southern Africa, “Angola: FAO, WFP alarmed at food situation [19990617].” The appeal was based on a joint agency assessment of Angola in May.

If I looked back and changed two things in UNAVEM II. It would be to have an effective human rights monitoring component and an independent radio station. Both are critical ingredients for a success in Angola.⁵⁷⁷

However, it was not easy to set up a U.N. radio station, even though Security Council Resolution 976 of February 1995 endorsed the secretary-general's call in his February 1 report "for UNAVEM III to have an effective information capability, including a United Nations radio station to be established in consultation with the Government of Angola."

For ten months there were sporadic negotiations between UNAVEM III and the government about setting up the radio station. Finally in December, the government, under increasing U.N. pressure, responded by claiming the issue was out-dated. Angolan Minister of Information, Hendrik Vaal Neto, said in a December 1995 interview on Angolan radio that:

I do not think it is necessary for the United Nations to operate its own radio service independent from Rádio Nacional. We are willing to allocate any time the United Nations requires. Regarding the opening of a private radio station, one should realize Angola has a constitution which we must uphold. The constitution bans private radio stations, particularly short wave stations. The United Nations needs to be heard throughout the country, and for that we have Rádio Nacional.⁵⁷⁸

Then-U.N. Secretary-General Boutros Boutros-Ghali raised the issue on December 7, 1995 in his report to the Security Council:

Although UNAVEM III has been offered more time on national radio and television, no adequate response has been received so far from the Government regarding the United Nation's own radio, and the situation essentially remains as described in my last report in October.

The U.N. continued in 1996 to raise the issue but eventually dropped even mentioning it. One of the U.N. press staff in Angola at the time told Human Rights Watch that:

⁵⁷⁷Interview with Margaret Anstee, March 11, 1998.

⁵⁷⁸Rádio Nacional de Angola, 0800 GMT, December 12, 1995.

We were just posturing. Beye doesn't want to make the government angry. So we are halfhearted on this. As long as we had plenty of coverage of Beye he was happy.⁵⁷⁹

Answering a question in December 1995, President dos Santos defended his government's position against a U.N. radio station by saying:

UNAVEM has its own radio program, they use Angolan radio and TV—without any restriction or control. It is a way we found for UNAVEM to send its message, which is cheaper for UNAVEM, which has to pay expenditures. I'm not saying that we're in the Guinness Book of World Records in terms of press freedom, but we're doing our best.⁵⁸⁰

The U.N. had to make do with broadcasting its "Paths of Peace" programs on state television and radio at set times each week. Despite the handicap of limited broadcasting schedules the broadcasts were respected. Mario Paiva, an independent Angolan journalist said "we also listened to the U.N. broadcasts to get a different view. Imagine what they could have achieved if they had been able to do it properly."⁵⁸¹

⁵⁷⁹Interview with João Carlos Gomes, New York, November 1996.

⁵⁸⁰President dos Santos reply to Human Rights Watch question, Center for Strategic and International Studies Seminar, Washington D.C., December 8, 1995.

⁵⁸¹Interview with Mario Paiva, Luanda, August 17, 1998.

The unsatisfactory nature of this arrangement became apparent on October 7, 1998 when the Angolan government cut the U.N.'s broadcasting time from three hours to two per day, reportedly because it was annoyed that the U.N. aired an interview with U.N. regional commander Bernard Gendré, who criticized the conduct of the Angolan Armed Forces.⁵⁸² The allocated broadcasting time was cut by another hour by the Angolan government on February 15, 1999 in a further demonstration of its power over the U.N.⁵⁸³

The importance of press freedom and of initiatives like the U.N. radio station should be self-evident. Angolans have had little tradition or exposure to free expression. An independent, nonpartisan radio station which could have broadcast across the country was of critical importance in breaking the monopoly of control of information by both sides.

U.N. Human Rights Monitoring

The U.N.'s limited capacity to disseminate public information in Angola was matched by its poor record of human rights monitoring and reporting. UNAVEM II did little to protect human rights, often turning a blind eye to reports of human rights abuses. More typical of its rights activities was its organization of a rushed one-day human rights seminar in the National Assembly building in Luanda, in August 1992, at which General Obasanjo of Nigeria and a number of U.N. officials and academics spoke. This record improved little under the follow-on missions under the Lusaka process, despite there being a dedicated U.N. Human Rights Division with over twenty staff to monitor the abuses. When there was solid information on abuses by the government and UNITA available, the U.N. continued to observe passively and to suppress any public reporting of its findings. Margaret Anstee, the former U.N. special representative later concurred with the need for a strong U.N. human rights monitoring capacity, if not on the need for public reporting of abuses:

⁵⁸²Citing "the country's highest interests," RNA state radio announced that the one-hour morning program had been axed, but that the afternoon and nighttime editions could still run.

⁵⁸³*Público* (Lisbon), February 16, 1999.

I will single out one [Human Rights Watch recommendation] for wholehearted endorsement: that the U.N. should deploy human rights monitors in Angola. As the report rightly observes, this was a big gap in UNAVEM II's original mandate, precisely because the issue was given scant importance in the Bicesse Accords, in negotiation of which the U.N. was involved. I do not agree, however, that the U.N. [UNAVEM II] was virtually silent on human rights abuses. Instances that came to our attention were taken up with the side concerned, and we organized the first human rights seminar held in Angola. It remains true, nonetheless, that our role in this key area was severely limited by a lack of mandate and resources.⁵⁸⁴

Ambassador Paul Hare, one of the architects of the Lusaka Protocols and the U.S. special envoy on Angola, took a different view. Hare claimed on a panel discussion on Angola in October 1997 that, "human rights was a subtext in the negotiations" in Lusaka, but that during the implementation phase, "human rights has not been [given] the same priority as has been given to other pressing issues, such as monitoring the cease-fire." Hare argued strongly that human rights initiatives must be balanced against other measures to prevent large-scale violence, taking the position that holding the two sides to human rights standards could jeopardize delicate negotiations. "Sadly," he stated, "after four years of negotiating and implementation, the issue of war and peace in Angola still hangs in the balance."⁵⁸⁵ After his retirement Ambassador Hare wrote at greater length about his views on accountability for abuses, saying:

The Lusaka Protocol provides for general amnesty for any crimes that may have been committed by any individual during the long course of

⁵⁸⁴Margaret Anstee in her book review of Human Rights Watch's *Angola: Arms trade and Violations of the Laws of war since the 1992 Elections*, *Journal of Southern African Studies*, November 1995, pp.335-337.

⁵⁸⁵Ambassador Paul Hare cited in "Panel 2: Angola Post-Cold War Harvest, panel summary," in, *How Can Human Rights Be Better Integrated into Peace Process?: Conference Report* (Washington DC: The Fund For Peace, January 1998).

Angola's civil war. As has been mentioned previously, there has been no disagreement between the two parties on this point because both recognized that without this provision, there would have been no peace agreement. Given Angola's bloody history, each side would have accused the other endlessly about specific acts and atrocities committed during the civil war. How could these accusations have possibly been sorted out? Who would have been the judge or judges?

Some have argued, however, that some type of mechanism or procedure—perhaps based on South Africa's Truth and Reconciliation Commission—should have been established to deal with the injustices of the past in order to promote real healing and national reconciliation. At some point, the Angolan people will have to come to grips with what has been their national tragedy and nightmare. In Angola's case, this is more likely to come through the voices of its poets, writers, musicians, and church leaders, rather than through the institution of more formalized procedures that would only deepen the wounds.⁵⁸⁶

With the collapse of the Lusaka peace process this strategy of see no evil, speak no evil appears to have back-fired badly. Twice this strategy has been used and twice the peace accords have collapsed and the country has returned to war. There is an urgent need for a clean break with the past, by making Angola's leaders accountable for their actions and cognizant of the potential penalties they face if they knowingly endorse abuses of human rights.

The Mandate

With the majority of the architects of the Lusaka Protocols advocating that upholding human rights be given a low priority, monitoring and reporting on these abuses would be severely constrained. Human Rights monitoring was however, a part of UNAVEM III's mandate under the Lusaka Protocol:

The Government and UNITA commit themselves to implement the "Acordos de Paz para Angola" (Bicesse), the relevant resolutions of the United Nations Security Council and the Lusaka Protocol, respecting the principles of the rule of law, the general principles of internationally recognized human rights, in particularly, the Universal Declaration of

⁵⁸⁶Paul Hare, *Angola's Last Best Chance for Peace: An Insider's Account of the Peace Process* (Washington DC: United States Institute of Peace Press, 1998) p.137.

Human Rights and the fundamental freedoms of the individual, such as defined by the national legislation in force and the various international legal instruments to which Angola adheres.⁵⁸⁷

The Security Council in turn, in resolution 976 of February, 8, 1995, established UNAVEM III stating that it:

Welcome[d] the Secretary-General's intention to include human rights specialists in the political component of UNAVEM III to observe the implementation of the provisions [in the Lusaka Protocol] related to national reconciliation.

Following further questions about human rights issues in the Security Council, the Report of the Secretary-General (S/1995/588) of July 17 stated in paragraph 22 that:

The Angolan parties have been registering complaints about human rights violations with my Special Representative and with the Joint Commission. In response to these complaints, and in accordance with the provisions of resolution 976 (1995) UNAVEM established a small sub-unit to deal with human rights issues and observe implementation of the relevant provisions of the Lusaka Protocol.

Further, Security Council Resolution 1008 of August, 7 1995 expressed "concern at reports of human rights violations," while recognizing the contribution that human rights monitors can make in building confidence in the peace process. "The council confirmed its support by stating in paragraph 16 that it [a]uthorizes the Secretary-General to increase as appropriate the strength of UNAVEM III's human rights unit."

The U.N.'s Joint Commission, overseeing the peace process, in September 1995, also agreed to put human rights on the agenda of all its regular sessions and to request UNAVEM to report periodically on the general human rights situation in Angola, as well as on the results of its investigations of reported violations.

The principle of human rights monitoring was initially taken up at the time of the Lusaka Protocol by then U.N. Special Representative Alioune Blondin Beye. Beye approached various foreign ministries requesting them to seek NGOs which

⁵⁸⁷Annex 8, General Principles 10, reproduced in U.N. Document DPI/1552, p.104.

would be prepared to fund their own personnel to go in as human rights monitors in contested zones. Due to the continued fighting in Angola and the lack of the expertise and desire of many NGOs to send unprotected civilians into what were in fact active war zones this initiative made no progress.

In the spirit of the Security Council's report through Resolution 976 Beye requested the services of three Human Rights Experts, which Denmark, France and Portugal provided for six months in 1995. The number was later raised to five. These formed a human rights unit, which was placed within the Political Affairs Division in Luanda and headed by Amadou Niang, a Malian with family connections to Beye who lacked distinguished human rights credentials.

Although in name a human rights division existed in 1995, Human Rights Watch was told when visiting UNAVEM headquarters at the time that "the situation is too sensitive for serious human rights monitoring. Making public what we know could undermine the peace process and put us back to war." Other senior officials did not even acknowledge that there was a human rights component to UNAVEM when briefing the organization about UNAVEM's mandate.⁵⁸⁸

The human rights experts found on arrival that there was no "clear understanding of what UNAVEM wanted from us. No preparations were made by the Human Rights Division: there was no office, no computer, no radios [hand sets]; we were not briefed;... there seemed not to be much support from the Chief of the Human Rights Division."⁵⁸⁹ The human rights specialists spent much of their time in Luanda, but were not permitted to conduct human rights work in the area. Luanda was made the jurisdiction of the division's head, Amadou Niang, although little monitoring was conducted in Luanda up to November 1995. It appears that Luanda was seen as too politically sensitive for the documentation of human rights abuses because of the role of senior government officials there.

The lack of feedback, encouragement, or signs of interest in their human rights findings back at UNAVEM headquarters in Luanda was the common experience of UNAVEM's human rights experts until November 1995. In an internal memo obtained by Human Rights Watch, one specialist reported:

I don't know if my observations and recommendations have been discussed in the Joint Commission or anywhere else. I am not even sure if my reports have reached the SRSG's office, or if the office has only received extracts of my reports made by the Chief of the Human Rights

⁵⁸⁸See the section on human rights monitoring, Human Rights Watch, "Angola. Between War and Peace," *A Human Rights Watch Short Report*, February 1996, vol.8, no.1 (A), pp. 36-41.

⁵⁸⁹Confidential memo provided to Human Rights Watch, 1995.

Division. I find this lack of feedback very unsatisfactory. I have as well never received backup of any kind from the Chief of the Human Rights Division.⁵⁹⁰

UNAVEM was not noted for its transparency. All reports, including human rights reports, were withheld from the public. Most were reportedly withheld even from internal circulation.

Under UNAVEM's mandate U.N. Civilian Police (CIVPOL) officials were supposed to visit prisoners and observe the situation in the prisons; this however was largely disregarded before October 1995 but gradually improved after this. The seriousness with which CIVPOL officers conducted their human rights responsibilities has also been variable. One CIVPOL officer at Vila Espa, UNAVEM's headquarters described human rights as:

⁵⁹⁰Confidential memo provided to Human Rights Watch, 1995.

Too much work. I'm not here to die. If we push human rights too much it gets too dangerous. It is OK for you to say monitor and report these violations. But you don't work here.⁵⁹¹

While not all CIVPOL officers were equally negative, this reflected the need for better human rights training and monitoring of UNAVEM officials in the performance of their mandated human rights roles.

One human rights specialist attached to UNAVEM concluded in a departure memo that:

Human rights work within the verification mission in Luanda is given a very low priority. As well when one compares with U.N. peace missions elsewhere[sic]. However, there may be reasons for this, financial reasons, I believe. But financial reasons can not justify problems and restrictions of the kind I have experienced during my stay in Angola.⁵⁹²

Amadou Niang, the head of UNAVEM's Human Rights Unit from 1995 to 1998 admitted that for most of 1995 human rights work had been a low priority:

While UNAVEM was consolidating its position I had strict instructions from Beye to maintain a presence but not engage in work that could cause political problems. This is no longer the case and as you see, in 1996 we are rapidly expanding our work.⁵⁹³

In November, the Human Rights Unit became more active and the division's capacity was expanded to seven officers in addition to Niang. In mid-1996 the number peaked at thirteen, with the six additional monitors funded by the E.U.

The Human Rights Division produced a flimsy "Integrated Plan for Human Rights" in 1995 that foresaw a continued presence until at least February 1997. Holding human rights training seminars for government and UNITA forces and officials was the priority in the integrated plan. On November 23 1995, UNAVEM

⁵⁹¹Ibid.

⁵⁹²Ibid.

⁵⁹³Human Rights Watch telephone interview with Amadou Niang, Luanda, January 11, 1996.

held its first seminar in Luanda, focusing on the role of the Lusaka Protocol in the protection of human rights and on UNAVEM III's plan of action in this area for the period up to February 1997. A second such seminar was held on January 17, 1996 in Luanda. This was higher profile, and the heads of the government and UNITA delegations to the Joint Commission were invited. Alioune Blondin Beye and Minister of Justice Paulo Tchilipica also attended. However, no Angolan NGOs concerned with rights issues were invited. The seminars appeared to be largely public relations exercises.

In early 1996 the unit expanded its coverage with a presence in each provincial capital, and held a series of regional seminars on human rights in government and UNITA controlled zones. In April 1996, the Human Rights Unit produced a report on the human rights situation in Angola which it submitted to the Joint Commission. It was not made widely available outside U.N. circles. A second report, produced in December, was not widely distributed either, although Amadou Niang claimed it was for open distribution.⁵⁹⁴ A third report, covering December 1996-December 1997, has never been circulated and remains confidential, although Human Rights Watch has seen a copy of the document. The report does not include any case material for 1997, reports largely on seminars and awareness raising programs, and does not assess the overall human rights situation, while overstating the unit's own efforts. In June 1997 the unit was upgraded to becoming a fully fledged division within MONUA.

⁵⁹⁴Human Rights Watch has copies of both these reports in their possession. Neither were circulated although a limited number of copies were provided to a select number of diplomats. It is interesting to note that many of the field investigations described had been initiated in response due to letters sent to the unit by Amnesty International sections requesting information.

The division investigated a number of complaints received in 1997, many of them about prison conditions. Six cases of human rights violations were submitted in July 1997 by MONUA to the ad hoc group on human rights at the Joint Commission. Between June and August 1998 police observers investigated twenty cases of alleged human rights abuses and MONUA staff visited prisons in the Luanda area. The staff of the Human Rights Division was reduced in July 1997 with the departure of six Association of European Parliamentarians for Action on [Southern] Africa (AWEPA) human rights monitors funded by the E.U.⁵⁹⁵ In January 1998 the Human Rights Division maintained observers in seven provinces: Bié, Moxico, Lunda Sul, Huila, Benguela, Cuando Cubango, and Uige.

In a January 1998 report on MONUA the U.N. secretary-general called for more resources for human rights work:

As a result of the protracted conflict, Angola still needs international assistance in fostering a culture of respect for human rights and fundamental freedoms. It is significant that both parties continue to support the enhanced role of the United Nations in this area. While UNAVEM III and MONUA have monitored the human rights situation closely in some areas of the country, difficulties and delays in the recruitment of United Nations human rights observers have affected the scope of investigations into alleged violations of individual rights and advocacy programs. Additional steps are being taken to strengthen the Human Rights Division as mandated. Under the supervision of my Special Representative and the guidance of the Office of the United Nations High Commissioner for Human Rights, this component would continue to promote awareness of human rights issues and investigate allegations of abuses, which are the source of major concern. It would also assist in the capacity-building of national institutions and non-governmental organizations.⁵⁹⁶

But the unit's record was poor. In 1996 the Swedish embassy funded a consultant to look at what it could contribute towards building up a culture of human rights. After her initial visit the consultant wrote to the Human Rights Division with suggestions, returning to Angola in January 1998 to provide further

⁵⁹⁵The Netherlands-based AWEPA had no prior human rights monitoring track record. At our request, it permitted Human Rights Watch to provide a short briefing to a number of candidates in Brussels in 1996 but made no effort to liaise afterwards.

⁵⁹⁶"Report of the Secretary-General on the United Nations Observer Mission in Angola (MONUA)," S/1998/17, 12 January 1998.

advice to the Swedish embassy. Amnesty International also visited the Human Rights Division in mid-1996 and its successor in November 1997 and wrote to it with suggestions on raising human rights standards.

In January 1997, after a request by the Department of Peace-Keeping Operations of the High Commissioner for Human Rights, Ian Martin, a former secretary general of Amnesty International and head of U.N. human rights operations in Rwanda and Haiti, visited Angola on an assessment mission. Martin correctly identified that:

The next stage of the peace process is one in which the protection of human rights will be critical to its success. The extension of state administration throughout the country means the deployment of the Angolan National Police and Government officials to areas currently controlled by UNITA. These are areas where human rights abuses by UNITA have probably been greater than abuses in Government-controlled areas since the Lusaka Protocol. Initial relationships between the ANP and UNITA supporters, and between the new local administrations and the population, cannot be expected to be easy. Demobilized soldiers will be returning to their home areas, and some may add to the severe law and order problems, notably armed banditry, already being experienced in some parts of the country. Disarmament of civilians is essential for future peace and stability, but the period during which it is actively pursued will be a difficult one. Refugees and displaced people must be assured that they return home without fear. The justice system will only be beginning to function in some areas, and major efforts will be necessary if it is to be able to provide independent adjudication of disputes and prompt and fair trial of criminal cases. Opposing political parties must be able to function without fear in areas dominated by their opponents. Freedom of expression will begin to be tested in areas and contexts where it is as yet unfamiliar.⁵⁹⁷

Martin recommended that the unit be increased to forty-eight and that it became more proactive in pushing for rights improvements, including building up the capacity of Angolan institutions, particularly nongovernmental organizations. He concluded that the Center for Human Rights in Geneva could offer experience

⁵⁹⁷Ian Martin, "Report on the Human Rights Activities of UNAVEM and Proposals for an Enhanced Programme," unpublished report, February 2, 1997.

and possibly some resources, while emphasizing the need to hire professional human rights monitoring staff.

In mid-1997 the Center for Human Rights began searching for candidates to head a revamped Human Rights Division in Luanda. Three candidates who were offered the director's post turned it down. In May 1998, Nicholas Howen, former head of Amnesty International's legal department took over as head of the Human Rights Division.

Throughout 1997 the Human Rights Division maintained a low profile, claiming it lacked staff and resources to conduct any significant program. The unit had also failed since 1995 to work with local groups or engage in capacity building. In the provinces a number of monitors took their own initiatives and were responsible for some local-level improvement in rights observance. But this was not systematic or sustained. Other U.N. agencies became frustrated, their officials complained that information they provided to the Human Rights Division was never acted upon and several sought ways to circumvent the unit with their own information on violations.

Until late 1998 the Human Rights Division failed to win the confidence of local groups. When Benjamin Castello, head of the NGO Church Action for Angola, was asked about the unit's human rights seminars in government and UNITA areas, he replied, "An empty stomach is willing to do anything. MONUA is spending funds on seminars for people who have empty stomachs."⁵⁹⁸ A seminar in Huambo in 1997 was almost derailed when the participants demanded to know what the unit had done to track down the hundreds of people that were forcibly removed by UNITA in November 1994. Mass graves were also uncovered in Malanje, Huambo, and Soyo in 1996 and 1997 but although there were public pronouncements that they should be investigated no investigation had taken place. A number of other mass graves were suspected near Lubango and around Luanda. The Human Rights Division consciously avoided investigating past incidents, saying it only had the mandate to monitor current human rights abuses.

⁵⁹⁸Cited in, Action for Southern Africa (ed), *Achieving Lasting Peace in Angola: The Unfinished Agenda. Report of conference held at the School of Oriental and African Studies, London, on 4 September 1997* (London: ACTSA; Christian Aid; CIIR, 1997), p.26.

The U.N.'s Human Rights Division was ineffective because it had chosen not to report abuses in the public domain. Instead, it passed its findings to the Joint Commission and the U.N. using it as a dumping ground for its information. This was consistent with U.N. Special Representative Beye's belief that exposing human rights abuses could undermine the peace process and his public welcoming of an amnesty. In May 1996, when the National Assembly formally approved an amnesty law for all human rights abuses committed between May 31, 1991 and May 8, 1996—the sixth amnesty law passed by Angola's parliament since 1981, Alioune Blondin Beye praised the law as providing a new impetus for the peace process. The strategy of impunity for human rights abuses perpetrated during conflict was also advocated by the U.S. Special Envoy to Angola, Paul Hare, who in October 1997 stated: “without a general amnesty in Angola you would soon find yourself in a morass from which you would never, never, never escape.”⁵⁹⁹ The morass, however, grew deeper as the United Nations found the peace process collapsing around it.

The U.N. approach to human rights issues in the period November 1994 to May 1998 did little to create awareness of human rights issues or accountability for even the gravest abuses. It achieved even less in advancing a culture of respect for human rights in Angolan society.

The U.N.'s main contribution in this period was to persuade politicians from both sides to pay lip-service to human rights protection during its seminars. Indeed the Angolan government planned to host an extraordinary meeting of the Organization of African Unity Council of Ministers on human rights in October 1998 and a meeting of the African Commission on Human and People's Rights to commemorate the 50th Anniversary of the U.N. Universal Declaration on Human Rights. Luanda canceled these events at the last moment citing the fragile state of the peace process.

With the peace process collapsing, Blondin Beye finally approved a change of U.N. strategy in late May 1998, calling on MONUA to carry out its investigations more expeditiously. This provided more space for some of the skilled human rights staff to become more active in their human rights monitoring efforts. When the new director, Nicholas Howen, arrived in post in early May, he began revamping the division, and was greatly assisted by Beye's change of strategy later that month. The immediate task for Howen was to implement the more comprehensive mandate endorsed by the Security Council in June 1997 and to recruit up to the authorized strength of twenty-three professional and twenty-six U.N. volunteer posts. Whole new programs of work were also created, the work of the division redirected, and

⁵⁹⁹Ambassador Paul Hare, cited in “Panel 2: Angola Post-Cold War Harvest, panel summary,” in *How Can Human Rights Be Better Integrated into Peace Process?: Conference Report* (Washington DC: The Fund For Peace, January 1998).

teams in the provinces and the headquarters strengthened. The Human Rights Division's mandate was more clearly defined:

- Assist the government in strengthening the justice system and the police so they are professional, guided by the rule of law and have the confidence of the people.
- Gather information and facts about the human rights situation, so that cases can be referred to the appropriate authorities and to assist the government in better understanding structural obstacles and identifying solutions.
- Encourage the growth of civil society as a partner in building human rights, peace and development.

Because of the deteriorating peace process in 1998, resulting in the initial evacuation of seventeen of the thirty-eight MONUA teamsites and then a complete pull-back to Luanda by early 1999, the revamped Human Rights Division really had only six months to show what it could achieve, and this in an increasingly difficult context. Despite these disadvantages, the division began to more actively investigate and document the growing number of human rights abuses occurring across the country. In January 1999 in Luanda a summary reports of these findings were more widely disseminated, unlike previous MONUA human rights reports. The division was also much more open to dialogue with international human rights NGOs than it had been in the past.

The Human Rights Division developed a good working relationship with the Ministry of Justice following up on the government's statement that it wanted to provide the means for its citizens to come forward and exercise their rights. In this regard the Angolan Constitution envisages the creation of the office of an Ombudsman. While this has not yet been established, to some extent the Ministry of Justice filled this gap with the creation of Provincial Human Rights Committees in 1998 bringing together representatives of government ministries and institutions with NGOs and traditional and religious leaders. With the support of the provincial governor, a pilot project was started in 1998 in Benguela Province with the creation of three community-based centers where citizens were able to raise with human rights counselors difficulties faced with government agencies. The Benguela Human Rights Committee was said by the Human Rights Division to have played a role in seeking to resolve the complaints with the relevant agencies. The same committee also endorsed a Human Rights Division project in which 350 citizens were trained

as human rights promoters in the province's communes. The minister of justice, Paulo Tchupilka, told Human Rights Watch the Human Rights Division is doing important things. "We benefit much from their assistance. We need to put into practice the human rights principles set out in the Angolan constitution and law."⁶⁰⁰ However, there has been no independent assessment of the effectiveness of these projects to date and they appear to have collapsed due to the resumed war.

⁶⁰⁰Interview with Paulo Tchupilica, Minister of Justice, Luanda, August 30, 1998.

Outreach efforts also had some success. An Angolan theater troupe, *JULU*, has worked with MONUA to write and perform a twelve-part series of dramatic plays on a range of civil, cultural, economic, political, and social rights. These were highly successful plays and have been shown weekly on the MONUA television slot, followed by an on-screen round-table discussion by Angolans from government and civil society. In Benguela and Huambo the plays were performed to packed audiences, including the governor of each province, and have inspired local groups to copy them.⁶⁰¹

The Human Rights Division also sought donor funding in December 1998 for a number of projects, including the provision of training/reference materials to the Angolan justice sector; support for a prosecutors' training seminar; training trainers of Angolan National Police; Advocacy/para-legal training; and training and support for prison/detention facilities.⁶⁰²

In February 1999 the Human Rights Division had twenty-seven observers, all in Luanda apart from two in Lobito and two in Lubango. By July the division had twenty-four observers, all in Luanda. Despite the reduction of the U.N.'s presence and the resumption of war, Howen believed that the division had a continued role to play:

A significant U.N. human rights presence should continue in Angola. There is still a great deal of long term human rights development work to do here, perhaps even more so during a war to lay a foundation for the future: institution-building work with the government to make the police force more professional, the justice system more responsive and the prison system more humane; capacity-building to give civil society more confidence and skills to promote and protect human rights; stimulating public discussion about how human rights are necessary for peace and sustainable development. These aims are in line with statements of the President and initiatives of several government ministries. War is only one of the realities in Angola. It is still possible for Human Rights

⁶⁰¹MONUA, "The Current & Future Role Of A United Nations Human Rights Presence in Angola," November 1998.

⁶⁰²MONUA, 'Human Rights Division: Summary of Human Rights Projects Requiring Funding,' December 1998.

Officers (HROs) to work in many provinces, along the coast and inland.⁶⁰³

⁶⁰³Nicholas Howen, communication, January 1999.

The Angolan government determination to see the multidisciplinary U.N. operation in Angola terminated was accepted to by the Security Council on February 26 after intensive efforts to get the government to change its mind. An immediate challenge for the Human Rights Division was to seek the support and funds to stand alone, possibly under the office of the High Commissioner for Human Rights, although this would require the negotiation of a memorandum of agreement between the office of the High Commissioner and the Angolan government, a process that can be lengthy. The six months-plus phase-out period for MONUA provides time for such arrangements to be made, taking account President dos Santos' letter to the U.N. secretary general committing his government to "continue to deal with U.N. agencies' representatives on issues of humanitarian assistance, human rights, and other issues relevant to the populations involved."⁶⁰⁴ The Human Rights Division was also mandated by the Security Council in its resolution on February 26 "to continue its current activities during the liquidation period."⁶⁰⁵ The Human Rights Division hopes to remain in Angola as a part of whatever U.N. presence emerges from the ongoing negotiations.

Despite the Security Council decision on MONUA's phase-out, the budget for MONUA's liquidation made no provision for human rights during the continuing liquidation phase. In what may well reflect the lack of seriousness with which human rights monitoring is taken at the U.N.'s headquarters in the Vth Committee. This budget was prepared without the input of the Human Rights Division or the Office of the High Commissioner for Human Rights. After intense lobbying by Nicholas Howen, the Human Rights Division was given a stay of execution pending the two- day visit in mid-June of U.N. special envoy on Angola Issa Diallo and U.N. UNDER-SECRETARY GENERAL FOR PEACEKEEPING BENARD Miyaf.⁶⁰⁶ AS DISCUSSED ABOVE, THIS VISIT DID NOT RESOLVE THE U.N.'S FUTURE IN ANGOLA. THERE WAS ONLY AGREEMENT IN PRINCIPLE ON THE PRESENCE OF

⁶⁰⁴Letter to U.N Secretary General Kofi Annan from President José Eduardo dos Santos Regarding the Continued UN Presence in Angola," dated, Luanda, February 11, 1999.

⁶⁰⁵S/1999/203.

⁶⁰⁶There is now funding for the Human Rights Division until the end of August, following an intense lobbying exercise in the Vth Committee.

POLITICAL OFFICERS AND ON HUMAN RIGHTS. FOREIGN MINISTER MIRANDA STATED THAT HE WANTED ONLY A FEW HUMAN RIGHTS MONITORS, ONLY IN LUANDA AND ONLY DOING CAPACITY-BUILDING.

The future of the Human Rights Division continued to be uncertain until August, with different departments of the U.N. also in disagreement over what its future role should be; some were keen to see a few political and military observers deployed under a Department of Peacekeeping Operation rather than a solely United Nations Development Program-driven initiative. An attempt to resolve this crisis by Canada and the Netherlands in late July by with a specific Security Council discussion on its future was blocked by China.

By August the future of the Human Rights Division appeared to be more secure. President dos Santos agreed to a Security Council mandated U.N. operation of thirty professional staff (and additional support staff), with human rights as the biggest component in the operation. This will be the first time ever that a Security Council-mandated operation has human rights as its largest component.

For the first seven months of 1999 the Human Rights Division was unable to play the role it envisaged. It spent much of its energy on trying to carve out a future and could perform little serious investigative work on rights abuses; it produced no publication. The division had also discouraged journalists from talking to it. It remains questionable what can be achieved unless the Human Rights Division can obtain a clear-cut mandate which includes investigative work and the dissemination of its findings.

Any future U.N. human rights operation needs to have a clear-cut mandate with a five pronged focus on institution building, fact-finding and publication, protection, capacity-building in civil society, and public promotion of human rights values. The size of such an operation could remain at the current mandated size of forty-nine, to be located mainly along the coast and in Luanda, with several teams tasked to go into the interior when the security conditions permit.

Conclusions

UNAVEM III and its successor, MONUA, were for much of their existence classic examples of a U.N. operation in which human rights were not a priority. This policy changed in May 1998, but by then it was too late. The damage had been done.

The lack of initiative by governments supporting the U.N. presence to push for investigative work by the Human Rights Division, for the dissemination of its findings, and to support an independent U.N. radio station contributed to the collapse of the Lusaka peace process. The leadership of MONUA and the U.N.'s top political leaders at no time showed a strong commitment to making human rights monitoring, protection, and promotion an integral part of the peace process,

but rather opted continually to subordinate this part of their mandate to what was deemed politically expedient, however, shortsighted.

Too little effort was also made in working through grassroots initiatives and too much time was spent placating elites while ignoring the continued human rights violations and the violations of the Lusaka Accords that occurred. Even the government's refusal to budge on the issue of an independent U.N. radio station, in defiance of Security Council resolutions, was met by little in the way of diplomatic pressure; ultimately the initiative was quietly forgotten.

The incorporation of a Human Rights Division in the U.N. operation in Angola was a step in the right direction. But its inability to pursue a comprehensive rights defence program or to work to build a local capacity to monitor and protect human rights undermined its credibility. This failure was due mostly to Beye's strategy of silence and passivity in the face of grave rights abuses but was made worse by the lack of vision and poor management skills of the initial director of the division, Amadou Niang. Niang failed in 1995-1998 to use—or permit—the division to investigate and document rights abuses in any meaningful manner. The division also did little to help local Angolan NGOs and institutions build up their capacity to defend people's rights, or to assist local efforts through the media, churches, and civic groups to promote greater political tolerance. However, he ensured that the secretary general's reports to the Security Council had human rights entries.

XI. ANGOLAN CIVIL SOCIETY AND HUMAN RIGHTS

If Angola is to achieve lasting peace, its people need to be able to move around freely and to be free to associate and express themselves as they wish. This kind of reconstruction requires cooperation between national, local, and provincial governments, NGOs, private enterprise, and international institutions. During the Lusaka peace process (November 1994 to December 1998) many parts of the country began to open up for the first time. As the Lusaka peace progressed, NGOs began to gain confidence and in 1997 and 1998 took part in a number of impressive human rights training efforts, although the U.N. did not encourage such efforts meaningfully until 1998. The return to war threatens once more to smother the progress over the last four years on rights education and protection. The major challenge for NGOs, the U.N., and the international community is to invest political and financial support in protecting these efforts from being completely destroyed by the current conflict.

Years of Repression

The space in which Angolan NGOs have been able to operate has been limited by elite domination, using the almost perpetual state of war as an excuse. NGOs with the perceived potential to oppose the government suffered their first dose of serious repression in 1977 after a short-lived coup attempt. The MPLA launched a considerable purge of mass organizations, notably the trade union federation and women's and youth organizations, of provincial organizations, and of the armed forces. Under the newly dominant leadership of the first MPLA president, Agostinho Neto, a RIGOROUSLY ORTHODOX MARXIST-LENINIST COURSE WAS ENUNCIATED AT THE First MPLA Congress in December 1977. Although the MPLA showed some clemency to its opponents, several thousand people "disappeared" in the purge and remain unaccounted for today. As a result, mass organizations and local associations feared to be heard and seen.

Only slowly did the state allow nongovernmental organizations to be reestablished. Work in support of farmers, displaced persons, and shanty dwellers remained the monopoly of the government or party agencies until the end of the 1980s. The only permitted exception was for the development wings of church organizations, such as Caritas Angola and the Angolan Council of Evangelical Churches of Angola.

It is therefore not surprising that Angola's first non-church NGO, Angolan Action for Development, was launched in November 1989 with its main patrons

drawn from the MPLA political elite. AAD became quickly a favored channel for aid of northern donors and for a number of years dominated the NGO scene.

After the Bicesse accords in 1991 the Angolan government allowed the formation of local NGOs. In May 1991 the government passed legislation recognizing the rights of political parties, the freedom of assembly and association, the right to strike, and freedom of the press. Restrictions on domestic travel and curfews were also lifted. This resulted in numerous Angolan NGOs being formed, including neighborhood groups, trade and professional organizations, environmental committees, women and youth organizations, and charities. Business organizations, too, were newly allowed to be formed. By early 1992 a large number of local development associations had been formed in the provinces also, groups like "Friends of Nambuangongo" and the "Association of Natives and Friends of Libolo." How deeply rooted in their communities or how open these organizations were was difficult to gauge during this period, as such local groups multiplied by the month. Most were (and still are) oriented towards the needs for emergency aid, given the renewal of the war in 1992. By 1991 most of the "old" organizational structures, such as "residents committees" have become discredited and dysfunctional, and state control at local level was in rapid decay. They were replaced by the boom in emerging associations, community based organizations, and NGOs. A reason for this was that the churches for the first time could register associations that existed long before 1991. Such groups had provided private health and educational facilities in the *musseques*—the shanty towns— for a number of years, able to operate informally only because their links to a church gave them some security. By late 1991 the number of Angolan NGOs had grown to the point that two networks had established: FONGA (Forum of Angolan NGOs) and CONGA (Committee of Nongovernmental Organizations in Angola, which also permitted international NGO membership).

Although the government launched its bill of rights within a revised constitution at a multiparty conference held in Luanda in January 1992, these rights have remained on paper to date. The government after 1992 allowed the judicial system to continue to decay and the rule of law is absent from much of Angola. As one local Angolan NGO worker said, "the law is only used against us. It never defends us against the abuses of authority which we see daily."⁶⁰⁷

Although the constitution also provides for freedom of association and assembly, in practice the government controls both tightly. Union leaders such as Miguel Filho of SINPROF, the Angolan teacher's union, were in early March 1997

⁶⁰⁷Interview, Luanda, August 1998.

held at gunpoint by armed men believed to have been government agents and robbed of all papers and possessions,—in the context of a series of strikes and demonstrations. Efforts to intimidate Miguel Filho have not stopped:

Things have got a bit more quiet in the last few months. On March 28, 1998, my apartment was broken into and seven individuals wearing army uniforms stole the generator and sifted through my papers. My wife has also been threatened a number of times since, by unknown people warning her that being with me is dangerous. I have arranged for her to go to Zimbabwe for safety. Our membership in the provinces has also suffered in Malanje and Luena, our officials have been arrested for attempting to peacefully protest at the poor conditions teachers are under.⁶⁰⁸

Reports of such incidents are commonplace.

The government's response to this situation has been to try to regain control over what groups of people do through its security services. The government's internal security network, the Serviço de Informação (Sinfo), has in particular increased its influence since 1996, recruiting across the country and developing strong networks of informers. It reports to the Interior Ministry. Unlike much else in government it appears to have become more efficient. Sinfo is also reportedly used by ministers for commercial intelligence gathering. According to the U.S. State Department, Sinfo, also conducts surveillance, including wire tapping in its monitoring of groups—particularly journalists, opposition party leaders, members and suspected sympathizers of UNITA, National Assembly deputies, and foreign diplomats.⁶⁰⁹

Many senior government and UNITA officials showed little inclination towards building democracy or a culture of human rights. Provincial governors, who are appointed by the head of state, often acted as if they were running local fiefdoms, while several were notorious for their chronic absenteeism. In addition to not being accountable to their respective populations, the provincial, municipal, and communal governments had no fiscal resources of their own and depended on allocations from central government. The result is that local government is often

⁶⁰⁸Human Rights Watch interview, Luanda, August 20, 1998.

⁶⁰⁹U.S. Department of State, "Angola," *Country Report on Human Rights Practices for 1996*, pp.1-8.

discredited and ineffective. The creation of an accountable system of provincial and local government would have helped consolidate peace, by providing a framework for effective political participation. It would also have helped to end the sense of alienation and frustration that is found in many parts of the country over the behavior of central government.

Human Rights and NGOs

George Chikoti, the vice-minister for foreign affairs, said in September 1997:

the human rights situation is a very bad one in Angola in general. A lot of improvement has to be made. Angola is in transition from war to peace. The country does not have full administration of its territory. Furthermore, it is moving from a highly centralised one-party state system, and the democratic transition is not part of Angola's traditions.⁶¹⁰

The United States' National Democratic Institute (NDI) in 1997 surveyed people's understanding of democracy, the functions of local government, human rights, and the process of reconciliation at local and national levels. The findings surprised NDI by showing a high degree of understanding of the basic principles of human rights. Freedom of expression and freedom of circulation of goods and persons were judged to be the rights most commonly infringed in Angola. NDI was also surprised to find that most Angolans interviewed understood human rights to encompass economic and social rights. One interviewee said, "[t]here are no human rights because we don't have enough to eat and we are poor."⁶¹¹ Those interviewed ranked the rights to housing, basic salary, and education as important, while coexistence and tolerance were understood to be important for democracy.

Human Rights Advocacy

⁶¹⁰Cited in, Action for Southern Africa (ed), *Achieving Lasting Peace in Angola: The Unfinished Agenda. Report of conference held at the School of Oriental and African Studies, London, on 4 September 1997* (London: ACTSA; Christian Aid; CIIR, 1997), p.18.

⁶¹¹Instituto Democrático Para Assuntos Internacionais, *Democratização, Reconciliação Nacional e Direitos em Angola. Grupos de Discussão* (Luanda: NDI/Angola, 1997).

Angolan civil society has been weak in its efforts to publicize or lobby on human rights abuses, although some church groups have shown interest in more actively defending human rights. In one initiative, the Dominican order in 1977 opened their Mosaiko Cultural Center just outside Luanda, one of the key activities of which is the promotion of justice and human rights. The center aims to act as a resource center for reports on human rights in Angola and as a venue for forums for discussion on human rights issues. The center has also started to engage in outreach missions to educate people around the country about their rights and has been working with prisons and the military.⁶¹² In January 1998 the center issued its first newsletter on human rights and it was also responsible for publishing two-page spreads on the Universal Declaration of Human Rights in the Catholic monthly newspaper *Apostolado* throughout 1998, as well as a book on the declaration and its relevance to Angola. Fr. Domingos of Mosaiko explained that many NGOs interested in rights issues believed that, “you [Human Rights Watch] and other international NGOs have the role of exposing and disseminating what is wrong. We can't do that—our role for the foreseeable future is to toil the soil and plant the seeds for a future Angola where a culture of human rights can flourish. It will take decades to see these initiatives bare good fruit. But one has to be patient.”⁶¹³

As described above the Forum of Angolan Nongovernmental Organizations (FONGA), was formed in 1991 and has tried to act as a coordinator among local NGOs such as Action for Rural Development and the Environment (ADRA), the Angolan Aids Committee (AALSIDA), and Angolan Action for Development (AAD). It also supports smaller organizations such as the Kimbangista church association and ACM (the Angolan YMCA).⁶¹⁴ Many of these grassroots

⁶¹²When in Angola in 1998 Human Rights Watch attended a number of talks on human rights in the series held (August 19-22) by Mosaiko in conjunction with the University Agostinho Neto. Human Rights Watch also attended a workshop held by ICRA with the assistance of Mosaiko in August 1998 in which human rights trainers explained the difficulties that they faced in the field.

⁶¹³Interview with Fr. Domingos, Luanda, August 25, 1998.

⁶¹⁴Bob van der Winden (ed), *A family of the musseque. Survival and development in*

associations are very fragile: having no paid staff, they rely on volunteers and have no funds beyond what their membership provide. They also lack experience in managing projects and writing fund-raising proposals but despite these handicaps they can play an important role in improving the life of those in their immediate surroundings. "We are not very experienced in how to organize and look always for help. We also find our members worry about us becoming too controversial," said Alexandre Adão, who works for an Anglican church association.⁶¹⁵

postwar Angola (London: One World Action, 1996).

⁶¹⁵Interview, Luanda, August 20, 1998.

It is important that these local structures get outside encouragement and support. These are the green shoots of an emerging civil society of people who have decided not to allow the political elites to dominate.⁶¹⁶ The war has long been a pretext for the ruling elites to disregard the desire of ordinary people for greater accountability; increasingly a younger generation of Angolans are refusing to be intimidated by the old system. They seek a pluralist, participatory democracy, not just another party taking over from the MPLA or UNITA. It will take time, as many groups have low self-esteem and lack experience in organizing around issues. Those that get too vocal too quickly find themselves threatened by the state and their members coopted or intimidated into compromise. One such Angolan NGO worker explained:

We tried to point out about government corruption and passed on information to *Folha 8*. But we found this gave us more problems. To be without problems, you need to be silent.⁶¹⁷

Therefore many Angolan NGOs are careful about what they say in public, especially "on the record." Privately, they are more open. A number of indigenous NGOs and associations asked to provide information to Human Rights Watch did so only on condition that their identity be withheld. They still fear the government's and UNITA's hand.

Repression has made many Angolans cautious on what they do in public. When they seek minimal rights for their families and communities, it is often at great risk to themselves. When they have acted collectively to promote basic civil and socio-economic rights, they have been met with suspicion and hostility by the authorities. International and domestic journalists, embassies, churches, commercial companies, and donor agencies can all assist in protecting these brave initiatives when they come under threat.

As part of a wider crackdown on civil society, the government announced on April 20 that it planned to regulate what it termed the "anarchic" activities of national and foreign nongovernmental organizations working in the country. "Many nongovernmental organizations do not want this control and this is anarchy. Those

⁶¹⁶Walter Viegas "The role of NGO's in reconciliation and reconstruction," in Eduardo Mondlane Foundation and Holland Committee on Southern Africa (eds), *Reconciliation, Reconstruction and Civil Society in Angola, Conference 16 October 1996 Report* (Amsterdam: KZA and EMS, 1997), pp.20-26.

⁶¹⁷Interview, Luanda, August 1998.

who come to help the Angolan people must do so within parameters established by the government," the director of the Welfare Department, Damasio Dinis said.⁶¹⁸

NGO Human Rights Activities

Several Angolan NGOs working in the human rights field identify their focus as "civic education," a term considered less controversial than "human rights." The Angolan organization Action for Rural Development and the Environment (ADRA), for example, linked up with the Association of European Parliamentarians for Action on [Southern] Africa (AWEPA) to organize workshops in 1996 and 1997 to promote civic education and increase knowledge of the provisions of the Lusaka Protocol. ADRA's civic and education program in the provinces of Luanda, Benguela, Huila, and Malanje was funded by AWEPA until August 1998. During 1997, ADRA held workshops in four provinces to introduce the program to the local authorities. The workshops included discussions on what are human rights; civil-political relations; and peace and national reconciliation. A second phase was to train people selected from their own communities to continue the work. However, the war has limited these plans.

⁶¹⁸Lusa (Macão), April 20, 1999.

In late 1996 FONGA launched a conflict-resolution program utilizing the experience of South African and Mozambican organizations in mediation and peacebuilding; it received assistance from the South African-based Institute of Mediation Services (IMSSA).⁶¹⁹ FONGA on August 14, 1998 issued an open letter saying war was not inevitable if civil society, progressive members of government, and UNITA united to work for peace.⁶²⁰ "If you want a culture of human rights, you need peace. There is no military solution to the Angolan question," Francisco Tunga Alberto told Human Rights Watch in Luanda.⁶²¹

⁶¹⁹On 16 January 1998, Francisco Tunga Alberto, secretary-general of FONGA announced that the priority for 1998 was to train trainers for community rehabilitation programs. He also said FONGA planned to strengthen the capabilities of all national NGOs in self-management of human and financial resources. In 1998 FONGA embraced some 300 Angolan NGOs.

⁶²⁰FONGA, "Lamentações da Sociedade Civil Sobre a Situação Socio-Politica Prevalente no Pais," August 14, 1998, N/Ref no. 99/SG/FO/98.

⁶²¹Interview with Francisco Tunga, Luanda, August 28, 1998

Some of the more established Angolan NGOs are now in a position to provide some support to emerging Angolan NGOs. In 1997, Namibia's National Society for Human Rights (NSHR) trained eight Angolans to become human rights monitors, with a grant from the European Human Rights Foundation. However, Manuel Neto, executive director of the then newly formed Windhoek-based Angolan Human Rights League (LADH), was arrested on May 18, 1998 by the Namibian authorities. His whereabouts were initially unknown, although ten days later the Namibian authorities announced they had deported him to Angola because he constituted a "threat to national security."⁶²² He is currently in Lubango. When LADH was launched in April 1998 and registered in Namibia it was immediately denounced by the Angolan embassy in Windhoek as a mouthpiece for UNITA. The summary deportation of Neto was condemned by Amnesty International and Human Rights Watch because he had been given refugee status by the Namibian authorities.

The Angolan Campaign to Ban Landmines (CABM) was launched in November 1996 and in 1997 was active in campaigning against landmines, collecting 60,000 signatures in a petition calling for an total ban.⁶²³ The CABM has also organized exhibitions in Kuito, Malanje, and Lubango and was active in lobbying National Assembly members. However, its members are afraid to expose or investigate reports of continued government use of landmines. In addition, they found many members of the general public were too frightened to put their signature on the petition. The Angolan government supported the Ottawa process that produced the treaty and signed the ban treaty in December 1997 but has since been responsible for laying new mines.

Challenges Facing NGOs

⁶²²Human Rights Watch was meant to have met Manuel Neto in Johannesburg, but he failed to make the appointment because of his arrest. See Human Rights Watch Press Release,

⁶²³Human Rights Watch Arms Project, *Still Killing: Landmines in Southern Africa*, p.57.

Angolan organizations face a range of interlinking challenges in the areas of development, conflict resolution, and human rights, often involving access to resources, political exclusion, a lack of knowledge of even their elementary rights, and the lack of transparency in the political process. Development Workshop, an NGO that has worked in Angola since 1983, has been working to improve the self-confidence of fishers and market traders who have previously known little either of their basic political rights, or how to negotiate with the government. Development Workshop started off by offering training in selling produce, bookkeeping, in dealing with market police wanting bribes, and in addressing domestic violence. In doing so this NGO tried to find out how the *musseque*—shanty town—dwellers themselves managed to deal with these problems and how to integrate rights issues in a meaningful way, where people's daily priority is just surviving. In January 1998 Development Workshop launched a concept paper, on the "Angola-Urban Land Rights Project," which aimed to set up programs of research and public awareness on issues, policies, and laws regulating access to urban land. This acknowledged that land, and rights to land, were emerging as potentially explosive issues. It concluded that land is being privatized arbitrarily and that it was becoming increasingly difficult to establish who has rights over what.⁶²⁴

Development Workshop also drew up a concept paper for an Angola Peacebuilding Program in late 1998 in an effort to have Angolan civil society initiatives fill the gap where international mediation efforts failed. The paper argued that the:

international peace brokers largely ignored the potential role of national non-state institutions such as the churches and civil society during the period since the signing of the Lusaka Accord. Notable exceptions are FONGA's Canada Fund supported initiative to bring NGOs and associations from UNITA controlled areas into the national NGO forum through training workshops in Bailundo (UNITA's heartland); and the

⁶²⁴A June 1 to 5, 1998 workshop in Benguela attended by eighteen local and international NGOs, including ADRA, Mosaiko, JRS and Caritas decided that land rights and human rights and civic education were priority areas for outreach. *Apostolado* (Luanda), August 1998.

Angolan Churches' efforts to bring their politically dispersed constituencies together in a country wide ecumenical peace movement (EDICA).⁶²⁵

ROLE OF THE CHURCHES

⁶²⁵Development Workshop, "Angola Peacebuilding Programme: Concept Paper," Ang-461 Peace Bldg/Proposal/Concept Paper.doc, no date, but November 1998.

SOME CHURCHES ARE ALSO INVOLVED IN CIVIC EDUCATION AND CONFLICT RESOLUTION WORK INCLUDING DISCREET HUMAN RIGHTS EDUCATION.⁶²⁶ THE CHURCHES STARTED TO SPEAK OUT ON RIGHTS ISSUES IN 1999. IN NOVEMBER THAT YEAR, THE ROMAN CATHOLIC BISHOPS ISSUED A LETTER, READ IN ALL CHURCHES, CALLING ON UNITA AND THE MPLA TO STOP THE WAR AND HOLD FREE ELECTIONS. TWO MONTHS LATER, THE ANGOLAN CIVIC ASSOCIATION (ACA) WAS FORMALLY LAUNCHED UNDER LEADERSHIP CLOSELY LINKED TO THE CATHOLIC CHURCH. AT THE TOP OF ITS AGENDA WERE PRACTICAL GOOD WORKS AND EFFORTS TO PERSUADE BOTH SIDES IN THE CONFLICT TO RESPECT HUMAN RIGHTS. ALTHOUGH THE GOVERNMENT INITIALLY TRIED TO OUTLAW THE ACA, IT RELENDED IN EARLY 1991 AND THE ASSOCIATION WAS LEGALIZED.⁶²⁷

THE CHURCHES HAVE ALSO EXPERIENCED A STEADY GROWTH IN MEMBERSHIP SINCE 1991 WITH CONGREGATIONS EXPANDING. DESPITE THE GOVERNMENT'S HOSTILITY TO CHURCH INVOLVEMENT IN "POLITICS," THE CHURCHES CONTINUED TO RAISE THEIR CONCERNS. AN INITIATIVE OF THE COUNCIL OF CHRISTIAN CHURCHES IN ANGOLA (CICA) AND ALLIANCE OF EVANGELICALS OF ANGOLA (AEA) IN 1993 LED TO THE FIRST MEETING OF CHRISTIAN CHURCHES OF ANGOLA (EDICEA) IN SEPTEMBER 1995, WITH 400 PARTICIPANTS, ALTHOUGH UNITA AREAS WERE NOT REPRESENTED.⁶²⁸ THE CHURCH LEADERS APPEALED TO THE GOVERNMENT AND UNITA TO SPEED UP IMPLEMENTATION OF THE LUSAKA ACCORD, AND ALSO CALLED UPON CHURCH LEADERS TO SET AN EXAMPLE BY REMAINING NONPARTISAN.⁶²⁹

⁶²⁶Steve Kibble, "Trading trouble in Angola," *Catholic Institute for International Relations News*, February/March 1997; see also, Stephen Baranyi et al, *Making Solidarity Effective: Northern Voluntary Organizations Policy Advocacy and the Promotion of Peace in Angola and East Timor*, CIIR discussion paper, 1997. pp.24-26.

⁶²⁷Alex Vines, *Peace Postponed: Angola Since the Lusaka Protocol* (London: Catholic Institute of International Relations, 1998).

⁶²⁸Information provided to Human Rights Watch by Rev. Augusto Chipesse, General Secretary, Angolan Council of Churches, January 7, 1999.

⁶²⁹Benjamin Castello, "The role of the Christian Churches in the process of Reconstruction and National Reconciliation in Angola after the signing of the Lusaka Protocol on November 1994," in Eduardo Mondlane Foundation and Holland Committee on Southern Africa (eds), *Reconciliation, Reconstruction and Civil Society in Angola*,

A SPIN-OFF OF THIS INITIATIVE WAS THAT CICA AND AEA BEGAN PRODUCING REGULAR RADIO PROGRAMS DISCUSSING THE NEED FOR CITIZEN'S RIGHTS AND DEMOCRACY AND THE NEED FOR TOLERANCE AND RECONCILIATION. BOTH HAVE ALSO TRIED TO DISSEMINATE THIS MESSAGE THROUGH COMMUNITY GATHERINGS AND VISUAL MATERIALS. ACCORDING TO REV. MALUNGO PEDRO, (GENERAL SECRETARY OF THE EVANGELICAL CHURCH IN ANGOLA (IERA)), HOWEVER, FOLLOW UP HAS PROVED DIFFICULT, MASKING A LESS THAN FULL-BLOODED CHURCH COMMITMENT TO THESE ISSUES. ABOUT 9,000 BELIEVERS TOOK PART ON SEPTEMBER 29, 1997 IN A THANKSGIVING SERVICE IN LUANDA FOR PEACE IN ANGOLA. ORGANIZED BY THE UNION OF CHURCHES OF THE HOLY SPIRIT IN ANGOLA (UESA), THE SERVICE WAS HELD SIMULTANEOUSLY IN TEN PROVINCES. IN APRIL 1998, CHURCH ACTION IN ANGOLA HELD A MAJOR CONFERENCE ON CIVIL SOCIETY AND THE STATE WHICH DISCUSSED HUMAN RIGHTS ISSUES.

The Catholic Church is also raising rights issues, especially through its radio station, which resumed broadcasting in 1997 after the transmitter, expropriated by the government in 1977, was returned. This radio station, Rádio Ecclesia, broadcasts a series on human rights, including programs on prisons, landmine victims, the right to freedom of expression and trade unions. It is also set up a web site for news.⁶³⁰ The Catholic Commission for Peace and Justice in Luanda would like to become more active, but lacks funds and office equipment. On October 30, 1997, the Angolan bishops published a pastoral letter in which they condemned "extravagant arms purchases" although they avoided specifying who they were talking about.

On July 14, 1999, 40,000 Angolans from different denominations gathered at the national stadium in Luanda at a rally organized by the Catholic Church, the Protestant Church Alliance (PCA), and the Evangelical Churches, AEA, to pray for peace in their country and issued a public statement on behalf of the Ecumenical Alliance, EDICA, calling for extra efforts by all interested parties to avoid a renewed war and stop human rights abuses. Ten days later the Catholic Church issued a pastoral newsletter urging the government and UNITA to return their attentions to the peace process.⁶³¹

With the country back at war in 1999 the churches have been bolder than in the past in their calls for peace and an end to human rights abuses. The Catholic Church issued a strongly worded pastoral letter, stating flatly that the war did not represent the people's voice or the people's interest, that both sides neglected the welfare of their troops, and that the troops on both sides stole from the people.⁶³² They appealed to the NGOs and the international community not to abandon the Angolan people in their hour of need.⁶³³ The pastoral newsletter was published after a special assembly of the Catholic Church. It announced the launch of a peace movement, "Movimento Pro Paz," because, "hate has reached the level that whole villages are burnt down with people inside their own homes, we have a terrible fear of what this war will do next."⁶³⁴ On March 14, the pro-peace movement called on both the government and UNITA

⁶³⁰www.snet.so.ao

⁶³¹See, *O Apostolado* (Luanda), No.3075, August 1998.

⁶³²For a published collection of pastoral statements on war and peace see, Missionários Espiritanos (ed.), *A Igreja em Angola Entre a Guerra e a Paz* (Lisbon: Missionários Espiritanos, 1999).

⁶³³*Público* (Lisbon), January 29, 1999.

⁶³⁴*Ibid.*

to negotiate. March 14 was named as the National Day for Reconciliation and all priests and catechists were called to observe it. A number of bishops called for the movement to grow outside the church, to include politicians, so that "a new mentality in this country can be created that values peace."⁶³⁵

⁶³⁵Ibid.

A NUMBER OF CATHOLIC BISHOPS HAVE SUBSEQUENTLY CALLED FOR RECONCILIATION AND CONDEMNED HUMAN RIGHTS ABUSES. ON APRIL 7, FRANCISCO DA MATA MOURISCA, BISHOP OF UIGE, SAID THERE HAVE BEEN "VIOLATIONS OF HUMAN RIGHTS" IN THE REBEL-CONTROLLED DISTRICTS OF DAMBA, MAQUELA DO ZOMBO, QUIMBELE, SANZA POMBO, AND ALTO CAVALE.⁶³⁶ HE ALSO APPEALED TO GOVERNMENT FORCES AND UNITA REBELS TO FACILITATE THE MOVEMENT OF PRIESTS IN THE REGION. A FEW DAYS LATER BISHOP JOSÉ NAMBI IN KUITO URGED RECONCILIATION THROUGH A "SOLID EDUCATION IN HUMAN VALUES."⁶³⁷

ANGOLA'S ROMAN CATHOLIC BISHOPS STRONGLY REPRIMANDED THE GOVERNMENT AND UNITA ON JULY 27 IN A STATEMENT RELEASED ON JULY 27. THE CONFLICT "HAS BECOME A TWICE-DEADLY ORGANIZATION—it KILLS WITH WEAPONS AND KILLS WITH HUNGER," THE CONFERENCE OF BISHOPS SAID AT THE END OF ITS CONGRESS IN LUBANGO. INDISCRIMINATE ATTACKS ON CIVILIANS AND AID WORKERS WERE ACTS OF "COWARDLY BANDITRY," THE STATEMENT ADDED. THEY ALSO CALLED FOR THE OPENING OF "PEACE CORRIDOR," CRITICIZING THOSE WHO PROVIDED WEAPONS TO THE LUANDA GOVERNMENT AND UNITA REBELS, HOLDING ARMS SUPPLIERS PARTLY RESPONSIBLE FOR A CONFLICT THEY SAID IS FED BY GREED FOR ANGOLAN PETROLEUM AND DIAMONDS.⁶³⁸

A PROTESTANT-BASED PEACE INITIATIVE HAS ALSO EMERGED. ON APRIL 2, 1999, IN FOUR LUANDA NEWSPAPERS, TWO EVANGELICAL PASTORS, A JOURNALIST, AND AN ACADEMIC— DANIEL NTONI NZINGA (AMERICAN FRIENDS SOCIETY), FILOMENO VIEIRA LOPES (ACADEMIC), FRANCISCO TUNGA ALBERTO (FONGA), RAFAEL MARQUES (OPEN SOCIETY FOUNDATION), AND CARLINHOS ZASSALA—PUBLISHED AN OPEN LETTER, "PAZ PELA VIA DO DIALOGO," AND CALLED THEMSELVES THE ANGOLAN REFLECTION GROUP FOR PEACE.⁶³⁹ ON JULY 15 THE ORGANIZERS LAUNCHED A "MANIFESTO FOR PEACE" IN WHAT THEY CLAIM IS THE FIRST CIVILIAN-LED PUSH FOR PEACE. THEY HAVE COLLECTED 147 SIGNATURES AND HOPE TO HAVE MANY THOUSANDS BY THE END OF THE YEAR.⁶⁴⁰

⁶³⁶Lusa (Macão), April 7, 1999.

⁶³⁷Lusa (Macão), April 10, 1999.

⁶³⁸*Público* (Lisbon), July 28, 1999. U.N. Secretary-General Kofi Annan also held talks in June 1999 in New York with Cardinal Alexandre do Nascimento, archbishop of Luanda, on Catholic Church mediation in the conflict. Reportedly, the Cardinal said he could only mediate if both sides agreed to a cease-fire first. *Público* (Lisbon), July 24, 1999.

⁶³⁹www.africapolicy.org/docs99/ang9906a.htm.

⁶⁴⁰According to Nzinga this initiative is gaining support in Angola among the unions, at the university and among professionals. Human Rights Watch interview, Johannesburg.

A THIRD PEACE initiative was LAUNCHED BY SIXTY NGOs AND CHURCH MEMBERS ON AUGUST 5. THE ANGOLAN GROUP FOR THE PROMOTION OF THE CULTURE OF PEACE (GAP) CALLED FOR AN "INTERNAL MEDIATION COMMISSION" TO BROKER AN END TO THE CIVIL WAR AND VOWED TO "MOBILIZE THE INSTITUTIONS OF CIVIL SOCIETY AND THE PEOPLE."⁶⁴¹

WHEN THE SEVENTH-DAY ADVENTIST CHURCH GATHERED IN LUANDA TO CELEBRATE THE 75TH ANNIVERSARY OF ITS MISSION IN ANGOLA, IN JANUARY 1999, IT HELD A SEMINAR ON FREEDOM OF CONSCIENCE AND RELIGION. ACCORDING TO VASCO CUBENGA, PRESIDENT OF THE SEVENTH-DAY ADVENTIST CHURCH IN ANGOLA, THIS WAS "THE FIRST TIME SUCH A SEMINAR HAS BEEN HELD IN ANGOLA SINCE 1924." THE SEMINAR DEALT WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE ISSUES OF RELIGIOUS FREEDOM IN EUROPE AND ANGOLA.⁶⁴²

The International Role

Since 1995 international efforts in support of conflict resolution and human rights initiatives have mushroomed. Many of these initiatives have done nothing to find what local communities want. Few feasibility studies involving grassroots consultation are known to have been carried out, giving the impression that a number of international NGOs have started up Angola programs because funds were easily available. A feature of these efforts has been a concentration on urban areas and the holding of conferences, seminars, and workshops.

Two U.S.-based organizations, the International Republican Institute (IRI) and the National Democratic Institute, provided parliamentary training and training in political party development. IRI's project began in late 1996 under a two-year \$2 million cooperative agreement with USAID.⁶⁴³ The program had some success, improving the level of debate in the assembly. However, voting always remained along party lines. It is worth noting that during the August 1997 debate on the national budget, the assembly passed a resolution criticizing the Council of

⁶⁴¹*Irish Times* (Dublin), August 4, 1999.

⁶⁴²"Adventist Church Sponsors First Religion and Human Rights Seminar," *Adventist Press Service*, January 28, 1999. This was not the first seminar on human rights and religion in Angola since 1924, Mosaiko had organized such a seminar with the university in August 1998.

⁶⁴³These projects come under Title Number: Increased National Reconciliation through Strengthened Democratic and Political Institutions, 654-S002.

Ministers for the small amount spent on health and education, in contrast to defense. In January 1998 parliamentarians from both UNITA and the MPLA again questioned the need for such a high military budget. The government's decision in March 1998 to halt broadcasts of national assembly debates suggested that the program was taking effect.

The U.S. government agencies, USAID and the U.S. Information Agency, also funded a Voice of America operation in Angola, which included journalism training for reporters and managers. Through this government's Democracy and Human Rights Fund, the U.S. embassy in Luanda is endowing a chair in human rights studies at the Agostinho Neto University, funding the Association of Women Jurists' project to publish a guide to women's legal rights, providing support for the human rights office at the Ministry of Justice, and helping the Angolan Association for the Handicapped launch a public awareness campaign on the rights of these citizens.

In 1998 USAID also supported a "rule of law" program aimed at assisting judicial reform. In August 1997, the NDI held in Luanda a conference on Human Rights in the Context of the Judicial System as the start of this program. In 1997 and 1998 USAID commissioned the U.S.-based organization World Learning to hold a series of seminars in the provinces on what rights Angolans should enjoy.⁶⁴⁴ World Learning reported training 224 trainers (60 percent of them women) and 185 journalists in human rights protection. They also reported that in November 1997, as a result of this training, public prosecutors in Bie and Huila provinces released over one hundred prisoners on the grounds that the time they had spent in jail exceeded the maximum statutory incarceration they would have faced if tried, although this has not been independently verified.

In 1999 USAID is implementing activities in five general areas: (1) development of local NGOs and their relations with the government and private sector; (2) improving local government and constituent relations; (3) support to human rights and media organizations; (4) development of community-based and other democratic organizations; and optimistically, (5) election participation.⁶⁴⁵

The European Union has also been involved. In 1995 it committed funding for expanding UNAVEM III's program of human rights monitors, providing ECU 600,000 for a human rights project managed by the Netherlands-based AWEPA. Six human rights specialists were sent to Angola by AWEPA in the program which ended in June 1997. Some individual E.U. countries have shown an interest in rights issues. Sweden is working with Mosaiko and the Angolan Association for Human

⁶⁴⁴Ten workshops were held in 1997 and five in 1998.

⁶⁴⁵"Angola," USAID Congressional Presentation, US FY 1999.

Rights, and took a leadership role on trying to win a higher priority for human rights issues in the U.N. and in Angola. The British, after the arrival of a new ambassador, Caroline Elms, appeared to be for the first time taking a more serious interest in rights protection. Canada has also supported a number of peacebuilding and rights initiatives, particularly through Development Workshop and FONGA.

In October 1997, the Friedrich Ebert Foundation opened an office in Luanda. Its stated aim was to invest in programs aimed at the promotion of democracy and the encouragement of civil society. The Open Society Institute (OSI) works on media issues and primary education in Angola since it opened an office in Luanda in 1998. In January 1999 the Windhoek-based Misa Institute for Southern Africa (MISA) opened an office in Luanda. MISA-Angola published its first bulletin in April.⁶⁴⁶

Human rights protection has not attracted much interest from the large multinational oil companies and diamond companies that extract the majority of Angola's wealth, apart from a growing awareness that coming into the spotlight as implicit in rights abuses can prove costly. Oil accounts for more than 90 percent of export earnings—50 percent of state revenues, and 30 per cent of gross domestic product, while production is increasing at 10 per cent a year. Alongside the state-run Sonangol, international oil companies include BP-Amoco (U.K./U.S.), Shell (U.K./Netherlands), Elf (France), Fina (France), Chevron (U.S.), Mobil/Exxon (U.S.), and Texaco (U.S.). There were eighty international companies operating in the diamond areas, including Odebrecht (Brazil), De Beers, Ashton Mining (Australia), and DiamondWorks (Canada). While BP-Amoco and Norway's Satoil in 1998 and 1999 commissioned reports that included a human rights component, Human Rights Watch is unaware of other companies doing so or otherwise taking into account human rights issues in their operations.

⁶⁴⁶MISA-Angola, *Boletim Informativo*, no.0, April 1999.

XII. INTERNATIONAL RESPONSE

United States

U.S. involvement in Angola has been sustained and significant, especially when weighed against U.S. engagement in the rest of Africa. Angola was one of the Clinton's administration's Africa priorities throughout the period of the Lusaka peace process. The U.S. has provided U.S.\$500 million dollars for humanitarian assistance and to strengthen democratic institutions and civil society in Angola, while providing a major market for Angola's oil. The U.S. government has also supported commercial development through a U.S.\$350 million Export-Import Bank loan and Trade Agency assistance. When U.S. Secretary of State Madeleine Albright visited Angola in December 1997, she said that Angola supplied the U.S. with up to 7 percent of its oil imports, representing three times what Kuwait supplied just before the Iraqi invasion.⁶⁴⁷

During this period U.S. trade and investment with Angola has grown significantly. Angola in 1999 was the U.S.'s second largest site for investment and the third largest trading partner in sub-Saharan Africa. The majority of this trade is from Angolan oil production, which exceeds 750,000 barrels per day and is expected to reach 2 million barrels per day within ten years. U.S. investment in the petroleum sector is currently valued at over \$4 billion, with billions more of investment planned. The U.S. continued to be Angola's largest trading partner purchasing 50 percent of its oil exports.

U.S. policy towards Angola after the Lusaka accords only emerged after an extensive debate in the House of Representatives and the Senate over funding in 1995. Angola was sold by the administration as a special case for Africa because it represented the last piece in a regional settlement in which the U.S. had significant economic and diplomatic investment. During the cold war, Angola was the second largest recipient of covert aid from the U.S., after Afghanistan.⁶⁴⁸ In mid-December

⁶⁴⁷"Clinton Administration Policy And Human Rights in Africa," *A Human Rights Watch Short Report*, vol.10, no.1(A), March 1998.

⁶⁴⁸George Wright, *The Destruction of a Nation: United States' Policy Toward Angola*

1994 and in mid-January 1995, joint USAID/State Department missions visited Angola to review the status of the Lusaka Protocols, and assess what administration strategy should be.

The U.S. also continued to play an important role by providing 30 percent of the U.N.'s running costs in Angola (some \$100 million between 1995 and 1997) and some 50 percent of the costs of relief operations. At a donor conference in Geneva on February 23, 1995 the U.S. pledged \$106 million. The U.S. also played an important role at the September 25-26, 1995 UNDP-assisted Brussels Angola Round Table, pledged \$190 million for development.

In April 1995, Shawn McCormick, then Africa director of the National Security Council, said current U.S. foreign policy toward Angola was primarily focused on “moving the train of peace forward.” The theory being that by “moving the train further down the track,” albeit in small, incremental ways, it would be harder to stop this momentum. The role of individuals continued to be an important element in fashioning Angolan policy. McCormick said the current “active engagement” in Angola was linked to the strong interest in the country of the National Security Adviser, Anthony Lake, his deputy, and the White House Special Envoy to Angola Paul Hare. McCormick, who had recently met with Jonas Savimbi in Bailundo, described UNITA as a “strict military machine with a political face,” yet applauded it for sticking to “a single line.” It was contrasted favorably with the Angolan government on the grounds that Luanda had “one official line but many voices,” a feature that was now “a matter of concern among the international community.” Savimbi was portrayed as an ageing war-weary battle horse, aware of his advancing years, tired of being on the run, wanting dialogue, and able to admit that UNITA had never been in a weaker military position.⁶⁴⁹

In a letter to Human Rights Watch, the U.S. ambassador to Angola summarized his view of U.S. policy as follows:

Our key effort to promote human rights in Angola has been helping to ensure adherence by the Government of Angola and UNITA to the peace process. At the same, we have increasingly made human rights a centerpiece of our bilateral relationship.⁶⁵⁰

⁶⁴⁹Joanna Lewis, “Angola 1995: The Road to Peace,” *International Relations*, vol. XIII, no.1, April 1996.

⁶⁵⁰Letter to Janet Fleischman, Africa Division Washington Director, Human Rights Watch, from Ambassador Donald K. Steinberg, Luanda, December 28, 1995.

In January 1995, Paul Hare, President Clinton's special envoy to Angola, visited several provinces. He was mandated to deliver a strong message to both sides that respect for the cease-fire protocol was a precondition for renewed international assistance. According to U.S. officials, monitoring of Angola by the Department of Defense and the Central Intelligence Agencies was expanded in 1995, with evidence of Lusaka Protocol violations, especially weapons shipments, a priority. This information was reportedly sometimes presented through diplomatic channels to the government or UNITA for explanation and to support pressure for compliance. This use of intelligence information was sporadic, however, and the number of staff employed by the administration to cover Angola was reportedly seriously cut back in 1997, as higher priorities were given to the Zaire and later Congo crisis while demands also grew to cover Liberia and the Horn of Africa.⁶⁵¹ By this account, there emerged a pattern of crisis management concerned only with the short term in which intelligence assets were shuffled around as new crisis emerged.

The first official trip by an Angolan head of state to the White House took place on December 8, 1995. The warm public embrace of President dos Santos by the Clinton administration dramatized the complete reversal of U.S. cold war policies in Angola, particularly since President Clinton at this time had met very few African heads of state. In early May, following the announcement that President dos Santos would not travel to Lusaka to meet UNITA leader Savimbi in their scheduled summit, frenetic U.S. diplomatic efforts contributed towards reversing this decision. The resulting meeting turned out to be a watershed in the peace process in 1995. The U.S. threat not to fund the U.N. operation in Angola and to curtail assistance unless the meeting happened was effective.

A new U.S. ambassador, Donald Steinberg, formerly senior director of African Affairs at the White House National Security Council, arrived in late July 1995. Steinberg replaced Edmund Dejarnette, who had been ambassador since May 1994. During the hearings for his nomination, Steinberg committed himself to pushing for human rights improvements in Angola. During his posting, Steinberg tried to travel widely to familiarize himself with the Angola situation and was noted to take a

⁶⁵¹Ambassador Edmund Dejarnette in November 1994 had attempted to get agreement on an air reconnaissance effort to monitor violations of the Lusaka accord, but was told that this was too costly and that the U.S. priority was to invest in the U.N. according to U.S. diplomatic source, Maputo, May 1999.

special, if discreet, interest in human rights issues. On several occasions he personally intervened on rights cases, to positive effect.

Ambassador Steinberg and Special Envoy Paul Hare visited Savimbi in Bailundo on October 24, 1995 and urged him to send his military team back to Luanda and start quartering his troops. In early November, Assistant Secretary George Moose delivered the same message. With the peace process badly stalled in early 1996, the mediators and international community put renewed pressure on UNITA to quarter its troops. U.S. Ambassador to the U.N. Madeline Albright arrived in Angola on January 18, and warned that international patience was running out, and that there needed to be action prior to the expiry of UNAVEM III's mandate on February 8. She carried the same message to Savimbi in Bailundo. This visit was followed on April 25 by a trip by Ambassador Steinberg and Special Envoy Hare to Bailundo to push Savimbi further and hear why UNITA was not making rapid progress in quartering. This meeting appeared to make some progress and the numbers of people entering into the quartering areas increased to 63,000 by September, although it would subsequently be shown that many had not been active duty troops at all. Keeping up the pressure, Paul Hare was dispatched to Angola on September 9 to underscore U.S. concern about the continuing delays.⁶⁵²

An extraordinarily high number of senior U.S. officials visited Angola in 1996 to underpin the U.S.'s interest in the Angolan peace process: U.S. Secretary of State Warren Christopher; U.S. Ambassador to the U.N. Madeline Albright (January); USAID Administrator Brian Atwood (February); Deputy Commander of the European Command General James Jamerson (March); Assistant Secretary of State for African Affairs, George Moose (January and July); and Paul Hare, President Clinton's Special Envoy (January and April).

Although at the time the Angolan authorities appeared responsive to this high level of engagement, the long term effect was less constructive. On the part of the U.S., the high level of attention did not reflect the real level of political interest in Washington and could not be sustained, especially when other crises such as the war in Zaire overtook Angola as the U.S. priority interest in the region in 1997.

The central focus of U.S. policy in Angola remained the implementation of the Lusaka Protocols and the avoidance of a return to conflict. Early in 1997 a series of demarches were presented to the Angolan government over its involvement in the DRC crisis and again in October over intervention in Congo-Brazzaville. UNITA also received a number of demarches about its foot-dragging and noncompliance with the conditions of the Lusaka Protocols. In September 1997 Ambassador

⁶⁵²Paul Hare, *Angola's last best chance for Peace*, pp.137-139.

Steinberg and Special Envoy Hare met Savimbi and urged him to facilitate the extension of state administration. This was followed up with another meeting in October, because despite Savimbi's promises the peace process had stalled again.

On May 19, 1998, the U.S. celebrated the fifth anniversary of the establishment of diplomatic relations with Angola. U.S. diplomatic efforts continued in 1998 to focus on compliance with the Lusaka peace process. When U.S. Envoy Paul Hare and Ambassador Steinberg visited Bailundo in early April to urge Jonas Savimbi to complete his hand-over of territory to government control, Hare said he would not return again unless this was fulfilled. Despite strong Angolan government objections, Ambassador Steinberg visited Bailundo once more and presented one further message to Savimbi calling on him to fulfill his commitments to the Lusaka peace process. The U.S. also had less influence over government behavior in 1998 as relations deteriorated. Relations became even cooler after the Angolan intervention in the Democratic Republic of Congo in August 1998, although the U.S. mediated after an Angolan request for help in organizing the evacuation of Rwanda troops cornered at Kitona in DRC in August 1998.⁶⁵³

In 1998 U.S. ambassador to the U.N. Bill Richardson and Secretary of Transportation Rodney Slater visited Angola. U.S. Special Envoy Hare retired in July to become the head of the United States-Angola Chamber of Commerce. Donald Steinberg left Angola in October 1998 to become U.S. landmine envoy. His successor Joseph Sullivan failed to make any reference to human rights during his Senate confirmation hearing on July 23, but after taking up the post called for "fundamental codes of conduct" to be respected in the war.⁶⁵⁴

On October 28, 1998 U.S. Assistant Secretary of State for African Affairs Susan Rice visited Angola on the second leg of a seven-nation tour in the region. Rice was accompanied by National Security Council Adviser for African Affairs Gayle Smith and U.S. Special Envoy for the Great Lakes Region Howard Wolpe. The U.S. delegation visited Angola to discuss the Angolan peace process and the current situation in the Democratic Republic of Congo (DRC). Bilateral relations had cooled so much by this stage that Rice failed to see President dos Santos or any

⁶⁵³Human Rights Watch was present in Luanda at this time and observed some of the discussions over this.

⁶⁵⁴"Statement of Joseph Gerard Sullivan Ambassador-Designate to the Republic of Angola, Senate Committee on Foreign Relations, July 23, 1998."

official of substance. During her visit Susan Rice proposed the creation of a Bilateral Consultative Commission to broaden and deepen the engagement between Angola and the United States, a proposal the Angolan government later responded to positively in December, leading to further discussions between the two governments. U.S. Deputy Assistant Secretary of State for African Affairs Witney Schneidman then visited Angola to discuss trade issues and how to proceed with the Bilateral Commission.

Schneidman arrived in Angola on February 12 for a three day visit. His primary focus was to discuss bilateral economic relations and the current situation of the war. Schneidman was carrying a letter from U.S. President Bill Clinton to President dos Santos urging him to support a continued U.N. presence in Angola. Schneidman's visit represented a new U.S. policy focus toward Angola, emphasizing trade and commerce and down-playing controversial issues such as human rights. Schneidman delivered the message that the "U.S. government believes it is time to move our economic relationship forward with Angola despite the current political-military problems in Angola."⁶⁵⁵ The U.S. Trade Secretary of State for Africa, Edward Casselle visited Luanda in July to encourage more business.

Senior Angolan government officials met with their U.S. counterparts on June 30 and July 1 in Washington D.C. as a first step toward establishing a Bilateral Consultative Commission to expand cooperation between the two countries. The talks focused on commerce, transportation, energy, economic/financial matters, U.N. sanctions against UNITA, and the humanitarian crisis in Angola.⁶⁵⁶

Since late 1998 U.S. policy has been clear cut in regard to further dialogue with UNITA leader Jonas Savimbi. Dialogue would only commence if there was a full and immediate extension of state administration and the full and irreversible demilitarization and demobilization of UNITA, commitments assumed by UNITA in Lusaka. On May 4 the U.S. called upon UNITA "to respect the rights of civilians and desist from willful targeting of the civilian population. We also urge all concerned to facilitate the delivery of humanitarian assistance."⁶⁵⁷ On June 21, the U.S. Department of State noted:

⁶⁵⁵Presentation by U.S. Ambassador Joseph G. Sullivan to the U.S.-Angola Chamber of Commerce, Luanda, February 24, 1999.

⁶⁵⁶The U.S. officials who held talks with the Angolans were Under Secretary of State Thomas Pickering, Assistant Secretary of State for African Affairs Susan Rice, Special Assistant to the President for Africa Gayle Smith, as well as officials from the Departments of Defence, Commerce, Treasury, and Energy.

⁶⁵⁷U.S. Department of State, "Humanitarian Workers in Angola," AEF204 05/04/99.

with grave concern reports that UNITA forces have been engaged in the shelling of the city of Huambo during the past three days. Such indiscriminate attacks on civilian populations cannot be condoned and are an unacceptable means for UNITA to conduct its war with the Government of Angola. The United States condemns UNITA's targeting of civilian populations and reiterates that both sides have an obligation to respect the rights of civilians and to desist from using non-combatants in the pursuit of military objectives.⁶⁵⁸

Just over a month later, on July 23, the State Department noted again:

⁶⁵⁸U.S. Department of State, "Press Statement by Jeffrey Murray, Acting Spokesman," June 21, 1999.

with profound concern reports implicating UNITA forces in the willful killing of civilians...The raid in Catete unfortunately is the latest in a long series of attacks and counter attacks that UNITA and the armed forces of the Government of Angola continue to carry out in their ongoing armed conflict. But irrespective of UNITA's motives, we are deeply disturbed that UNITA now finds it necessary to resort to what are political assassinations to advance its military objectives. The United States Government condemns such reckless targeting of civilians and urges all parties to respect the rights of non-combatants and to refrain from attacking civilians in pursuit of military gains.⁶⁵⁹

The State Department on August 4 also supported the Angolan bishops' July 27 call for peace, stating that like the Bishops we condemn "acts of criminal banditry, under cover of war, [which] are multiplying in the country."⁶⁶⁰

European Union, Norway, and Canada

The E.U. has played a supportive role in the Angolan peace process but lacked the leverage of the U.S. Portugal, a Troika member and the former colonial power, continued to play an important role in the Angolan peace process but disappointingly was not active in pressing rights issues. Portugal is Angola's main non-oil trading partner.

The E.U. Presidency issued a declaration on Angola on February 21, pledging the Union to make a practical contribution to the consolidation of lasting peace. E.U. funds were directed towards mine clearance and deploying human rights monitors. In 1995 the E.U. provided ECU 6 million towards mine clearance and up to ECU 55 million on humanitarian projects. The E.U. also hosted the September UNDP Brussels Round Table Conference on Angola. On October 2 the European Commission published a declaration of its Common Position on Angola. In addition to supporting the effective implementation of the Lusaka Protocol, especially demobilization of ex-combatants, the E.U. announced its support for democracy, the rule of law, and respect for human rights in Angola. In late October the E.U.

⁶⁵⁹U.S. Department of State, "UNITA kills civilians in attack on Catete," M2 PRESSWIRE, July 23, 1999.

⁶⁶⁰U.S. Department of State, "U.S. Encouraged by Angolan Catholic Bishops Call for Peace," August 4, 1999.

committed additional funding to expand UNAVEM III's program of human rights monitors, providing ECU 600,000 for a human rights project to be managed by the Netherlands-based European Parliamentarians for (Southern) Africa (AWEPA).

On January 13, 1997, the European Commission granted a humanitarian aid package of ECU 14 million to Angola which would be administered by the European Community Humanitarian Aid Office (ECHO). The humanitarian aid projects would actually be implemented by the International Committee of the Red Cross (ICRC), United Nations agencies, and various NGOs. ECHO's two priorities in Angola were medical aid and feeding programs.

On February 3, 1998 the European Union stated that it was very pleased with the progress toward compliance with the Lusaka Protocols in Angola, particularly with the induction of UNITA officers into the Angolan Army. However, the E.U. was concerned with the delays in establishing a Government of Unity and National Reconciliation. The E.U. also praised the governments of Portugal, the United States of America, and the Russian Federation for their efforts in the peace process in Angola.

On August 13, the European Union criticized UNITA's failure to comply with the demilitarization demands highlighted in Security Council Resolution 1118, and requested UNITA compliance with the terms of the Lusaka Protocols as well as information on the status and whereabouts of its military forces.

The E.U. invested approximately \$100 million in emergency and economic and social development projects in 1998, making it Angola's major development and aid partner. Several E.U. members took a special interest in rights issues and pushed for these issues to be raised at the U.N. Security Council. The Netherlands and Norwegian embassies and Canadian government also supported workshops on rights issues. The British government decided to cut its aid to Angola in 1998 because the country failed to fit its criteria for aid on governance and human rights grounds. In February the E.U. commissioner for ACP countries, João de Deus Pinheiro, visited Luanda for three days but focused his attention only on development aid.

On July 8, 1998 the E.U. announced in Brussels that it had formally adopted the U.N. sanctions, freezing UNITA bank accounts and banning trade in diamonds from UNITA zones; E.U. regulations to this effect were established by the E.U. Council of Minister on July 28. The E.U. continued to use presidential statements and communiqués to express the alarm of its members at the deterioration of the peace process. On September 29, 1998 the Austrian E.U. presidency issued a communiqué warning of war and blaming UNITA. This was followed by presidential statements on December 28 and on January 21, 1999 calling for a

strong U.N. involvement in Angola and appealing to the "Government of Angola and in particular to UNITA to respect human rights."⁶⁶¹

On February 3, 1999 the E.U. Africa Working Group met in Brussels and discussed Angola and the future of the U.N. mission there. Human Rights Watch issued an open letter at this time recommending that the E.U. call for a continued U.N. human rights monitoring effort in Angola and the strengthening of the U.N. embargoes.⁶⁶² Amnesty International also issued a statement at this time outlining the importance of the U.N.'s Human Rights Division in Angola.⁶⁶³

On June 8 the E.U. presidency issued a declaration strongly condemning the shooting down of a Russian aircraft in May by UNITA and calling upon the government and in particular UNITA to assist humanitarian agencies in their efforts.⁶⁶⁴ A few days later on June 16, the European Commission decided to grant Angola euros 10 million of emergency humanitarian aid.⁶⁶⁵

The E.U. Council of Ministers issued a further declaration about the resumption of civil war in Angola on July 22, 1999 in which it strongly urged UNITA to cease its military activities, agree upon a cease-fire, and enter into dialogue. The E.U. also called upon the government to accept a significant U.N. presence in Angola and stated that it "considers that a U.N. presence, including a Human Rights component, can contribute positively to a peaceful settlement of the Angolan conflict." It also appealed for the government and UNITA to respect human rights and to cooperate with humanitarian organisations in the delivery of

⁶⁶¹European Union Communiqué on the "Situation in Angola," Brussels, January 21, 1999.

⁶⁶²Human Rights Watch letter to E.U. Africa Working Group, Brussels, February 3, 1999.

⁶⁶³Amnesty International, External News Service, January 22, 1999.

⁶⁶⁴"Declaration by the Presidency on behalf of the European Union," Brussels, nr 8870/99, June 8, 1999.

⁶⁶⁵Lusa (Macão), June 16, 1999.

emergency relief aid, to guarantee the safety and freedom of movement of their personnel, as well as access to affected populations.⁶⁶⁶

⁶⁶⁶European Council of Minister Press Release: 10130/99, July 22, 1999.

In January 1999 the Canadian government took a leadership role in the Angola Sanctions Committee at the U.N. after assuming its chair. Since then Canada has been seeking better implementation of the sanctions and has been in dialogue with NGOs, including Human Rights Watch.⁶⁶⁷ In May Ambassador Fowler toured southern Africa on a fact-finding mission as chair of the U.N. Sanctions Committee.

⁶⁶⁷Human Rights Watch discussed the Angolan sanctions regimes with Patricia Fortier, Director, Regional Security and Peacekeeping Division, Canadian Department of Foreign Affairs and International Trade, London, March 5, 1999.